

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

24th Legislative Day

April 5, 2001

PRESIDENT PHILIP:

The regular Session of the 92nd General Assembly will please come to order. Will the Members please be at their desks? Will our guests in the galleries please rise? Our prayer today will be given by the Reverend William Privette, Christ Episcopal Church, Springfield, Illinois. Reverend Privette.

THE REVEREND WILLIAM PRIVETTE:

(Prayer by the Reverend William Privette)

PRESIDENT PHILIP:

Please remain standing for the Pledge of Allegiance. Senator Radogno.

SENATOR RADOGNO:

(Pledge of Allegiance, led by Senator Radogno)

PRESIDENT PHILIP:

Mr. Secretary, Reading of the Journal.

SECRETARY HARRY:

Senate Journals of Monday, April 2nd, and Tuesday, April 3rd, 2001.

PRESIDENT PHILIP:

Senator Jones.

SENATOR W. JONES:

Mr. President, I move that the Journals just read by the Secretary be approved, unless some Senator has additions or corrections to offer.

PRESIDENT PHILIP:

Senator Jones moves to approve the Journals just read. There being no objection, so ordered. Senator Jones.

SENATOR W. JONES:

Mr. President, I move that reading and approval of the Journal of Wednesday, April 4th, in the year 2001, be postponed, pending arrival of the printed Journal.

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Senator Jones moves to postpone the reading and the approval of the Journal, pending the arrival of the printed transcript. There being no objection, so ordered. Resolutions.

SECRETARY HARRY:

Senate Joint Resolution 21, offered by Senator Philip.

And Senate Joint Resolution 22, by Senators Bowles and Parker. They're both substantive, Mr. President.

PRESIDENT PHILIP:

Committee Reports.

SECRETARY HARRY:

Senator Parker, Chair of the Committee on Transportation, reports Senate Amendment 2 to Senate Bill 930 Be Approved for Consideration.

Senator Lauzen, Chair of the Committee on Commerce and Industry, reports Amendment 2 to Senate Bill 717 Be Adopted.

Senator Peterson, Chair of the Committee on Revenue, reports Amendment 2 to Senate Bill 640 Be Adopted.

Senator Hawkinson, Chair of the Committee on Judiciary, reports Amendment 2 to Senate Bill 3 Be Approved for Consideration, and Amendment 2 to Senate Bill 39 Be Approved for Consideration.

Senator Sieben, Chair of the Committee on Agriculture and Conservation, reports that Senate Amendment 4 to Senate Bill 629, Tabled by the sponsor; Amendment 5 to Senate Bill 629 and Amendment 1 to Senate Bill 832 Be Adopted.

Senator Cronin, Chair of the Committee on Education, reports Amendment 1 to Senate Bill 756 Be Adopted.

Senator Mahar, Chair of the Committee on Environment and Energy, reports Amendment 2 to Senate Bill 356, Amendment 3 to Senate Bill 694, Amendment 3 to Senate Bill 724, Amendment 1 to Senate Bill 847 and Amendment 2 to Senate Bill 1180, all Be Adopted.

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Senator Thomas Walsh, Chair of the Committee on State Government Operations, reports Amendment 1 to Senate Bill 1047 Be Adopted.

Senator Dillard, Chair of the Committee on Local Government, reports Amendments 3 and 4 to Senate Bill 663 and Amendments 1 and 2 to Senate Bill 754 Be Adopted.

Senator Syverson, Chair of the Committee on Public Health and Welfare, reports Amendment 2 to Senate Bill 114, Amendment 1 to Senate Bill 163, Amendment 3 to Senate Bill 608, Amendment 1 to Senate Bill 933 and Amendment 1 to Senate Bill 1504, all Be Adopted.

And Senator Madigan -- Senator Robert Madigan, Chair of the Committee on Insurance and Pensions, reports Amendment 3 to Senate Bill 333, Amendment 1 to Senate Bill 941, Amendment 1 to Senate Bill 943 and Amendment 2 to Senate Bill 1497, all Be Approved for Consideration.

PRESIDENT PHILIP:

Senator Sullivan, for what purpose do you rise?

SENATOR SULLIVAN:

Point of personal privilege.

PRESIDENT PHILIP:

State your point.

SENATOR SULLIVAN:

Mr. President, Members of the Senate, if you could join me in welcoming two Pages I have today. Stephanie Nagawiecki and Jessica Spychala, and Jessica's mother, Joyce, and aunt, Penny Kosiak, are in the President's Gallery.

PRESIDENT PHILIP:

Will they please rise and be recognized by the Senate? Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. Rossi, Clerk.

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Mr. President - I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to wit:

House Bills 242, 282, 524, 644, 778, 904, 1457, 1819, 1945, 2284, 3024, 3318, 210, 211, 646, 843, 1886, 1961, 2098, 2535, 2865, 3098 and 1722.

All passed the House, April 4th, 2001.

PRESIDENT PHILIP:

House Bills on 1st.

SECRETARY HARRY:

House Bill 231, offered by Senator O'Malley.

(Secretary reads title of bill)

House Bill 313, offered by Senator Obama.

(Secretary reads title of bill)

Senator Lightford offers House Bill 677.

(Secretary reads title of bill)

House Bill 934, by Senators Shadid and Hawkinson.

(Secretary reads title of bill)

House Bill 1006, presented by Senator Myers.

(Secretary reads title of bill)

House Bill 1041, Senator Shadid.

(Secretary reads title of bill)

House Bill 1064, by Senator Molaro.

(Secretary reads title of bill)

Senator Hawkinson offers House Bill 1842.

(Secretary reads title of bill)

House Bill 1843, by Senator Hawkinson.

(Secretary reads title of bill)

House Bill 1844, Senator Hawkinson.

(Secretary reads title of bill)

Senator Cronin presents House Bill 1905.

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(Secretary reads title of bill)

House Bill 1961, Senator Obama.

(Secretary reads title of bill)

House Bill 2233, offered by Senator Burzynski.

(Secretary reads title of bill)

House Bill 2563 offered by Senator Philip.

(Secretary reads title of bill)

House Bill 2865, by Senator Parker.

(Secretary reads title of bill)

Senator Rauschenberger offers House Bill 3024.

(Secretary reads title of bill)

And House Bill 3327, by Senator Lightford.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDENT PHILIP:

May I have your attention just for a moment please? It's the intention of the Chair to go to Senate Bills on Recall and go through the Calendar first, and then go to 2nds and then 3rds. And I would also suggest to you that if you want to do anything seriously, you better do it today. We'll probably be here for a long time. The intention of the Chair is to get out of here on Friday by noon. Now, we have been through the Calendar many times -- oh, you don't want to wait that late, Senator? Well, the intention is, so be sure you're in your seat, call your bill. We've been over the Calendar at least two or three times already. But tomorrow, the intention is to leave here at noon. Thank you. On -- on the middle of page 4. Senate Bill 3. Senator O'Malley, do you wish to return this bill to 2nd Reading for the purpose of amendment? All right. Senator O'Malley seeks leave of the Body to return Senate Bill 3 to the Order of 2nd Reading for the purpose of amendment. Hearing no objections, leave -- leave is granted. On the Order of 2nd Reading, House Bill 3 -- Senate

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Bill 3. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator O'Malley.

PRESIDENT PHILIP:

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. The amendment that is before us becomes the bill. There are some substantive differences, obviously, from the previous version of the legislation that are all related to reconciling discussions we have had concerning home host liability. I'd be happy to expand -- expand on those elements if you wish, but would appreciate your support.

PRESIDENT PHILIP:

Is there any discussion? Is there any -- if not, all those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The amendment is adopted. Any further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 24. Senator Cullerton. Senator Cullerton, do you wish to return this bill to 2nd Reading for the purpose of amendment? Senator Cullerton seeks leave of the Body to return Senate Bill 24 to the Order of 2nd Reading for the purpose of amendment. Hearing no objections, leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 24. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 3, offered by Senator Cullerton.

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PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This is a technical amendment. Did not go to committee. It just clarifies that if both applicants for marriage are under eighteen, that they have to get a affidavit signed by their parents. Ask for a favorable...

PRESIDENT PHILIP:

Any further discussion? Any further discussion? If not, all those in favor, signify by saying Aye. Oop! Senator Hawkinson, for what purpose do you rise?

SENATOR HAWKINSON:

Question of the sponsor.

PRESIDENT PHILIP:

All right. Indicates he'll yield. Senator Hawkinson.

SENATOR HAWKINSON:

Senator, does this amendment in...

PRESIDENT PHILIP:

Could we have a -- a little peace and quiet so we can understand the question? Thank you.

SENATOR HAWKINSON:

Thank you, Mr. President. Senator, does this amendment, in any way, override the exemption when the woman is pregnant?

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

No. The late-stage pregnancy exemption overrides this requirement.

PRESIDENT PHILIP:

Further discussion? If not, all those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. 3rd Reading.

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Are there any further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. ...Bill 39. Senator Silverstein. Senator, do you wish to return this bill to 2nd Reading for the purpose of amendment? Senator Silverstein seeks leave of the Body to return Senate Bill 39 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objections, leave is granted. On the Order of 2nd Reading is Senate Bill 39. Mr. Secretary, have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Cullerton.

PRESIDENT PHILIP:

Senator Cullerton, to explain the amendment. All right. Senator Silverstein, to explain the amendment.

SENATOR SILVERSTEIN:

Thank you, Mr. President. To be a little more efficient. What this amendment does -- this says a lien, a money judgment lien, may be foreclosed -- a money lien may be foreclosed as a regular foreclosure action.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? If -- if -- if not, all those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The amendment is adopted. Any further amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 114. Senator Radogno. Senator Radogno, do you wish to return -- return this bill to 2nd Reading for the purpose of an amendment? Senator Radogno seeks leave of



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the Body to return Senate Bill 114 to the Order of 2nd Reading for the purpose of an amendment. Are there any objections? Not hearing any, leave is granted. On the Order of 2nd Reading, Senate Bill 114. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Radogno.

PRESIDENT PHILIP:

Senator Radogno, to explain the amendment.

SENATOR RADOGNO:

Thank you, Mr. President. Senate Amendment No. 2 makes some technical corrections and also adds some language to address the concerns of the opponents of the bill.

PRESIDENT PHILIP:

Any discussion? Any discussion? If not, all those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The amendment is adopted. Any further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 163. Senator Syverson seeks leave of the Body to return Senate Bill 163 to the -- to the Order of 2nd Reading for the purpose of amendment. Hearing no objections, leave is granted. On the Order of 2nd Reading is Senate Bill 163. Mr. Secretary, have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Syverson.

PRESIDENT PHILIP:

Senator Syverson, to explain the amendment.

SENATOR SYVERSON:

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Thank you, Mr. President. This amendment just addresses some of the date continuations for the SDU. Know of no objection, and ask for it to be adopted.

PRESIDENT PHILIP:

Any further discussion? Any further -- if not, all those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The amendment is adopted. Any further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. Now, on the top of page 6. Senate Bill 213. Senator Roskam. Senator Roskam. Senator Roskam, do you wish this bill to return to 2nd Reading for purpose of amendment? Senator Roskam seeks leave of the Body to return Senate Bill 213 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 213. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Roskam.

PRESIDENT PHILIP:

Senator Roskam.

SENATOR ROSKAM:

Thank you -- thank you, Mr. President, Ladies and Gentlemen of the Senate. Floor Amendment No. 2 is a technical amendment that was suggested by members of the ag community, and I'd urge its favorable consideration and we can take care of it on 3rd Reading.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? If not, all those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The amendment is adopted. Any further Floor

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amendments approved for...

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 333. Senator Tom Walsh. Senator Walsh. Senator Walsh, do you wish this bill returned to 2nd Reading for the purpose of amendment? Senator Walsh seeks leave of the Body to return Senate Bill 333 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objections, on -- on -- on the Order of 2nd is Senate Bill 333. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 3, offered by Senator Thomas Walsh.

PRESIDENT PHILIP:

Senator Walsh.

SENATOR T. WALSH:

Thank you, Mr. President. Amendment No. 3 to Senate Bill 333 represents the final negotiation -- negotiated language between the Professional Insurance Agents and the Illinois Insurance Association. This makes this pretty much a -- a bill that everyone agrees to. And I would be happy to answer any questions.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? All those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The amendment is adopted. Any further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. ...Bill 356. Senator Karpiel. Senator Karpiel. Senator Karpiel, do you wish to return this bill to 2nd Reading for the purpose of amendment? Senator Karpiel seeks leave of this

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Body to return Senate Bill 356 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objections, leave is granted. On the Order of 2nd Reading is Senate Bill 356. Mr. Secretary, have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Karpiel.

PRESIDENT PHILIP:

Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. The Floor amendment becomes the bill and creates a new subsection in the siting portion of the EPA Act. The amendment would apply only to waste disposal facilities that were issued a -- a development permit before the siting provisions in the EPA Act became law.

PRESIDENT PHILIP:

Any further discussion? If not, all those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The amendment has been adopted. Any further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 608. Senator Syverson. Senator Syverson. Senator Syverson, do you wish this bill returned to 2nd Reading for the purpose of amendment? Senator Syverson seeks leave of the Body to return Senate Bill 608 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, so ordered. On the Order of Senate Bills 2nd Reading is Senate Bill 608. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 3, offered by Senator Syverson.

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PRESIDENT PHILIP:

Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. This amendment updates the cost report and the rate freeze for nursing homes.

PRESIDENT PHILIP:

Yes, would you tune up the volume a little bit? I don't think I even heard it.

SENATOR SYVERSON:

Is this better? This updates the -- the cost report and implements the rate freeze on the nursing home.

PRESIDENT PHILIP:

Any further discussion? If not, all those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The amendment has been adopted. Are there any further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 629. Senator Bomke. Senator Bomke, do you wish this bill returned to -- 2nd Reading for the purpose of amendment? Senator Bomke seeks leave of the Body to return Senate Bill 629 to the Order of -- of 2nd Reading for the purpose of an amendment. Hearing no objections, leave is granted. On the -- on the Order of 2nd Reading is Senate Bill 629. Are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 5, offered by Senator Bomke.

PRESIDENT PHILIP:

Senator Bomke.

SENATOR BOMKE:

Thank you, Mr. President. The main change to the -- on

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Amendment 5 to Senate Bill 629, in amending the Humane Care for Animals Act, addresses how courts will deal with juveniles when they participate in numerous types of animal abuse. I'll speak to the bill more on 3rd Reading. Thank you.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? If not, all those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The amendment is adopted. Any further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 663. Senator Dillard. Senator Dillard. Senator Dillard, do you wish this bill returned to 2nd Reading for the purpose of amendment? Senator -- seeks leave of the Body to return Senate Bill 663 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, so -- leave is granted. On the Order of 2nd Reading is Senate Bill 663. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 3, offered by Senator Dillard.

PRESIDENT PHILIP:

Senator Dillard, to explain the amendment.

SENATOR DILLARD:

Thank you, Mr. President. This is just a technical amendment to correct something in Amendment No. 2. And I'd move its adoption.

PRESIDENT PHILIP:

Further discussion? Further discussion? If not, all those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The amendment is adopted. Any further Floor amendments

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approved for consideration?

SECRETARY HARRY:

Amendment No. 4, offered by Senator Dillard.

PRESIDENT PHILIP:

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. This incorporates legislation from another bill of Senator Silverstein, and it is Cook County -- it's Cook County Democrat David Orr's suggestion on how to redo the judicial retention butterfly ballot from Cook County. And I'd move its adoption.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? If not, all those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The amendment is adopted. Any further Floor amendments to be -- approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 694. Senator Karpiel. Senator Karpiel. Senator Karpiel. Senator Karpiel, do you wish this bill to be returned to 2nd Reading for the purpose of amendment? Senator Karpiel seeks leave of the Body to return Senate Bill 694 to the Order of 2nd Reading for the purpose of amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 694. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 3, offered by Senator Karpiel.

PRESIDENT PHILIP:

Senator Karpiel, to explain the amendment.

SENATOR KARPIEL:

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Thank you, Mr. President. Senate Amendment 3 becomes the bill, and the bill authorizes the Illinois Commerce Commission to certify alternative gas suppliers who are serving residential customers. The rest of the -- the amendment, it pretty much is the same as the original bill, except for some technical changes.

PRESIDENT PHILIP:

Further discussion? Further discussion? If not, all those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The amendment is adopted. Any further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. WMBD-TV has asked leave to film today. Is leave granted? Leave is granted. Senate Bill 717. Senator Cronin. Senator Cronin, do you wish to return Senate Bill 717 to 2nd Reading for the purpose of amendment? Senator Cronin seeks leave of the Body to return Senate Bill 717 to the Order of 2nd Reading for the purpose of amendment. Hearing no objection, leave is granted. On the Order of Senate Bills is Senate Bill 717. Mr. Secretary, have there been any Floor amendments approved for -- for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Cronin.

PRESIDENT PHILIP:

Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Floor Amendment No. 2 simply exempts the self-insured employers from the new accounting standards in the bill. I ask for your favorable consideration.

PRESIDENT PHILIP:



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Further discussion? Further discussion? If not, all those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The amendment is adopted. Any further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. Now on page 8. The top of the page. Senate Bill 754. Senator Sieben. Senator Sieben, do you wish this bill to return to -- purpose -- 2nd Reading for purposes of an amendment? Senator Sieben seeks leave of the Body to return Senate Bill 754 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objections, leave is granted. On the Order of 2nd Reading is Senate Bill 754. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Sieben.

PRESIDENT PHILIP:

Senator Sieben.

SENATOR SIEBEN:

Thank you, Mr. President. Amendment No. 1 makes changes requested by the Illinois Building Commission and local governments to delete the requirement that proposed codes for plumbing, heating, electrical, fire prevention, sanitation be reported to the Commission. Know of no objection. I'd move for its adoption.

PRESIDENT PHILIP:

Any further discussion? If not, all those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The amendment is adopted. Any further Floor amendments approved for consideration?

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Amendment No. 2, offered by Senator Sieben.

PRESIDENT PHILIP:

Senator Sieben.

SENATOR SIEBEN:

Thank you, Mr. President. Amendment No. 2 corrects a technical problem created in the drafting at LRB. And that's all it does.

PRESIDENT PHILIP:

Discussion? Discussion? If not, all those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The amendment is adopted. Any further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 832. Senator Rauschenberger. Senator Rauschenberger. Senator Rauschenberger, do -- seeks leave of the Body to return Senate Bill 832 to 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 832. Mr. Secretary, have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Rauschenberger.

PRESIDENT PHILIP:

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This amendment makes it clear that the last ninety days of a Governor's term, he can't enter into any long-term leases. It was a -- an amendment suggested by the thoughtful Members of the Senate -- Agriculture Committee. I'd appreciate its favorable adoption.

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PRESIDENT PHILIP:

Okay. Any discussion? Any discussion? If not, all those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The amendment is adopted. Any further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. Senator Rauschenberger seeks leave of the Body to return Senate Bill 847 to the Order of 2nd Reading for the purpose of amendment. Hearing no objections, leave is granted. On the Order of 2nd Reading is Senate Bill 847. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Rauschenberger.

PRESIDENT PHILIP:

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This amendment represents a work in progress between the Illinois Commerce Commission and the affected utilities that they regulate on organizing fees that may be charged for filings before the Illinois Commerce Commission. Just so people know, individuals almost never file formal complaints before the Commerce Commission, because it's a very large, legally involved -- this will not affect any individual's rights to file informal complaints, which is what most of our constituents do. We expect the House to further refine this bill, and we'll probably see it in a final form. But I'd appreciate its adoption.

PRESIDENT PHILIP:

Any discussion? Any discussion? If not, all those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it.

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The amendment is adopted. Any further Floor amendments to be -- approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 930. Senator Parker. Senator seeks leave of the Body to return Senate Bill 930 to the Order of 2nd Reading for the purpose of amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 930. Mr. Secretary, have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Parker.

PRESIDENT PHILIP:

Senator Parker, to explain the amendment.

SENATOR PARKER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. The amendment amends the Chicago Transit Authority Act. It provides that an employee whose driver's license has been suspended, revoked, or cancelled or who is otherwise disqualified from driving shall be given a hundred and eighty calendar days from that date the employee is notified of suspension, revocation, cancellation, or disqualification to obtain full reinstatement of his privileges.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? All those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The amendment is adopted. Any further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

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3rd Reading. Senate Bill 941. Senator Madigan. Senator Madigan seeks leave of the Body to return Senate Bill 941 to the Order of 2nd Reading for the purpose of amendment. Hearing no objections, leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 941. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Robert Madigan.

PRESIDENT PHILIP:

Senator Madigan, to explain your amendment.

SENATOR R. MADIGAN:

Thank you, Mr. President. Senate Bill 941, as introduced, is a Department of Insurance bill that made several revisions in the Illinois Insurance Guaranty Fund. Floor Amendment No. 1 to Senate Bill 941 deletes some of those suggested revisions in Senate Bill 941.

PRESIDENT PHILIP:

Any discussion? Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President. I rise on a point of personal privilege.

PRESIDENT PHILIP:

State -- state your point.

SENATOR O'DANIEL:

There's a group of teens sponsored by the Clay County Health Department in the rear of the Senate -- the Senate side of the -- in -- in the gallery. I'd -- I'd like to welcome them to -- to the Illinois Senate.

PRESIDENT PHILIP:

Will they please rise and be recognized by the Senate? Any discussion? Any discussion? If not, all those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The

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amendment has been adopted. Any further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. All right. Senate Bill 933. Senator Petka. Senator Petka seeks leave to return Senate Bill 933 to the Order of 2nd Reading for the purpose of amending. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 933. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Petka.

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

Thank you very much, Mr. President, Members of the Senate. Floor Amendment No. 1 to Senate Bill 933 amends the -- Hospital Licensing Act and would extend the corporate practice of medicine to hospital affiliates. It also defines the procedures for physicians. This Floor amendment will become the bill. It has been agreed to by the Illinois State Medical Society and the Illinois Hospital and HealthSystems Association. I urge its adoption.

PRESIDENT PHILIP:

Further discussion? Further discussion? If not, all those in favor, signify by saying Aye. Those opposed -- opposed, Nay. The Ayes have it. The amendment is adopted. Any further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

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3rd Reading. Senate Bill 943. Senator Madigan. Senator Madigan seeks leave of -- of the Body to return Senate Bill 943 to the Order of 2nd Reading for the purpose of amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 943. Mr. Secretary, have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Robert Madigan.

PRESIDENT PHILIP:

Senator Madigan, to explain the amendment.

SENATOR R. MADIGAN:

Thank you -- thank you, Mr. President. Floor Amendment No. 1 to Senate Bill 943 becomes the bill, and it pertains to anti-theft devices and the discounts afforded to owners of vehicles equipped with anti-theft devices. This legislation was originally sponsored by Senator Cullerton back in the early eighties and it dealt with after-market devices and a requirement that the Department of Insurance certify these after-market devices. In today's market, these devices are installed on -- as factory equipment and the certification by the Department of Insurance is no longer necessary, it's felt. I would ask adoption of Floor Amendment No. 1 to Senate Bill 943.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? If not, all those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The amendment is adopted. Any further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. Now, in the middle of page 9. Senate Bill 1047. Senator Cullerton. Senator Cullerton. Senator Cullerton seeks

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leave of the Body to return Senate Bill 1047 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objections, leave is granted. And on the Order of 2nd Reading is Senate Bill 1047. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Cullerton.

PRESIDENT PHILIP:

Senator Cullerton, to explain the amendment.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This amendment regards changes concerning the Attorney General's Charitable Advisory Council. The Council shall be and is formed as a permanent body, and members shall serve at the pleasure of the Attorney General for such terms as the Attorney General may designate. I ask for its adoption.

PRESIDENT PHILIP:

Further discussion? Further discussion? If not, all those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The amendment is adopted. Any further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 1180. Senator Walsh. Senator Tom Walsh. Senator Walsh seeks leave of the Body to return Senate Bill 1180 to 2nd Reading for the purpose of an amendment. Hearing no objections, leave is granted. On the Order of 2nd Reading is Senate Bill 1180. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Thomas Walsh.



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PRESIDENT PHILIP:

Senator Walsh, to explain the amendment.

SENATOR T. WALSH:

Thank you, Mr. President and Members of the Senate. Senate Amendment -- Floor Amendment No. 1 to -- or, Floor Amendment No. 2 to Senate Bill 1180 just clarifies the definition of "school" to make sure that we include all of Cook County and not just the City of Chicago. And I'd be happy to answer any questions.

PRESIDENT PHILIP:

Further discussion? Further -- if not, all those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The amendment is adopted. Any further amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. We're jumping way over to page 14. The top of page 14. Senate Bill 1497. Senator Walsh. Senator Walsh. Senator Walsh seeks leave of the Body to return Senate Bill 1497 to the Order of 2nd Reading for purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1497. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Thomas Walsh.

PRESIDENT PHILIP:

Senator Walsh, to explain the amendment.

SENATOR T. WALSH:

Thank you -- thank you, Mr. President. Senate Floor Amendment No. 2 to Senate Bill 1497 is the bill, which would codify the Petrovich decision, which would allow a person to have the right to sue their HMO. I'd be happy to answer any questions.

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PRESIDENT PHILIP:

Further discussion? Further discussion? If not, all those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The amendment is adopted. Any further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 1504. Senator Syverson. Senator Syverson. Senator Syverson seeks leave of the Body to return Senate Bill 1504 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, so ordered. On the -- Order of Senate Bills 2nd Reading is Senate Bill 1504. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Syverson.

PRESIDENT PHILIP:

Senator Syverson, to explain the amendment.

SENATOR SYVERSON:

Thank you, Mr. President. On 1504, the amendment has to do with the registry Act for those -- those individuals who have been terminated regarding a substantial finding of abuse and neglect.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? All those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The amendment is adopted. Any further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. Senator Jacobs, for what purpose do you rise?

SENATOR JACOBS:

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Point of personal privilege, Mr. President.

PRESIDENT PHILIP:

State -- state your point.

SENATOR JACOBS:

In the Democratic side of the Senate gallery here, we have some good people from Mercer County that are down trying to ensure the Great River Road stays, and we'd like to have them rise and be welcomed.

PRESIDENT PHILIP:

Please rise and be recognized by the Senate. IIS has asked permission to videotape today. Is leave granted? Leave is granted.

PRESIDING OFFICER: (SENATOR WEAVER)

Direct your attention to the top of page 2. Senate Bills 2nd Reading. Senator Mahar? Senate Bill 11? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 11.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senate Bill 16. Senator O'Malley? Senator O'Malley on the Floor? Senator Radogno, on 70? Senate Bill 70? Might remind the Members this is the last day on this order of business. If you expect to move your bill, as we go through the Calendar, be ready to call it. Senator Sullivan, on Senate Bill 72? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 72.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments

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reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Rauschenberger, on Senate Bill 88. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 88.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Revenue adopted Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor Members -- Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Rauschenberger, on 87 {sic}. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 89.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 1, offered by Senator Rauschenberger.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

This amendment strips the bill and positions it as a shell bill that we think we might get an extended deadline on. So the bill is now just a -- a short title.

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PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, 3rd Reading. Senate Bill 150. Senator O'Malley. Senate Bill 193. Senator Dudycz. Senator Roskam, on Senate Bill 205 {sic}. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 206.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Revenue adopted Committee Amendments 1, 2 and 3.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 4, offered by Senator Roskam.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Roskam, on Amendment No. 4. Do you wish the bill taken out of the record? Senator Roskam, to make a motion.

SENATOR ROSKAM:

Mr. President, I move to table -- Amendment No. 4.

PRESIDING OFFICER: (SENATOR WEAVER)

You've heard the motion. All in favor, signify by saying Aye. Opposed, Nay. The Ayes have it. No. 4 is tabled. Floor Amendment No. 4. Any further Floor amendments?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Wendell Jones, on 286. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 286.

(Secretary reads title of bill)

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2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Radogno, on 372. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 372.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Environment and Energy adopted Amendment No. 1.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Mahar, on 392. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 392.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Parker, on 441. Out of the record. Senator Jacobs, on 453. Out of the record. Senator Noland, on Senate Bill 473. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 473.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

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PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Sieben, on 548. Out of the record. Senator Sullivan, on 632. Senator Sullivan on the Floor? Out of the record. Senator Munoz, on 634. Senator Munoz. Out of the record. Senator Cullerton, on Senate Bill 640. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 640.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Revenue adopted Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 2, offered by Senator Cullerton.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. This amendment -- this bill deals with the interest on refunds when you apply for a certificate of error. And this amendment is meant to clarify that there is -- and authorize the county collector's office to send a refund application form to be mailed to the taxpayer so that they can fill that form out. And this will facilitate the collector's job, as well as make sure that the taxpayer still receives the interest that they are entitled to if there's a delay. We've worked out some language with the Metro Counties representative who was in the committee, and believe that we can reach an agreement through this amendment. And would be happy to answer any questions and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

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Is there any discussion? If not, all in favor, signify --  
excuse me. Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President. Senator Cullerton, would you yield  
for a question?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he will yield.

SENATOR PETERSON:

I understand in committee we did have a problem and you also  
had a problem with the amendment, and you were discussing it with  
the Metro Counties Association. I take it now we're going to try  
to work on this in the House, pass this out of the Senate, and it  
-- it'll be your intention to make sure that this bill is cleaned  
up over in the House with the Metro Counties people.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. -- Mr. Chairman. And what I was going to  
suggest on 3rd Reading was exactly that. We did agree in our  
meeting that we would adopt the amendment. There might be a need  
for some further clarification of some wording in the amendment,  
and that's -- that's likely, and we did agree that given the time  
constraints, that the best way to do that, would be to do that in  
the House.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? If not, all in favor, signify by  
saying Aye. Opposed, Nay. The Ayes have it. The amendment is  
adopted. Are there further amendments?

ACTING SECRETARY HAWKER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Halvorson, on 657. Out of the record.



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Senator Noland, on 664. Out of the record. Senator Dillard, on 687. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 687.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Local Government adopted Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR WEAVER)

Are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Radogno, on 696. Senator Radogno? Out of the record. Senator Shaw, on Senate Bill 724. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 724.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Environment and Energy adopted Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR WEAVER)

Are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 3, offered by Senator Shaw.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Shaw.

SENATOR SHAW:

Thank you, Mr. President. Amendment No. 3 is sort of a clean-up amendment that -- that basically everybody has agreed on that was an oversight in terms of keeping records of -- and receipts of the landfill companies when the original agreement was made. And the Department of Revenue said that they had a hard

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time enforcing it because they didn't know -- they didn't have -- there was no requirement to have any receipts or records forward to them. So I ask for adoption of Amendment No. 3.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there any discussion? If not, the question is the adoption of the amendment. All in favor, signify by saying Aye. Opposed, Nay. The Ayes have it. The amendment's adopted. Are there further amendments?

ACTING SECRETARY HAWKER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Lauzen, on 756. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 756.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

Are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 1, offered by Senator Lauzen.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Lauzen, on Floor Amendment No. 1.

SENATOR LAUZEN:

Thank you, Mr. President. What Amendment No. 1 to Senate Bill 756 does is it attaches the same language that was passed out of the Senate two times in the last two years on the Internet filter system.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there any discussion? If not, the question is adoption of Amendment No. 1. All in favor, signify by saying Aye. Opposed, Nay. The Ayes have it. The amendment's adopted. Are there

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further amendments?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Noland, on Senate Bill 788. Out of the record. Senator Lauzen, on 794. Senator Lauzen? Out of the record. Senator Rauschenberger, on 799. Senator Rauschenberger? Senator Donahue, on 889. Out of the record. Senator Lauzen, on Senate Bill 923. Out of the record. Senator Madigan, on Senate Bill 942. Out of the record. Senator Noland, on Senate Bill 947. Out of the record. Senator Walsh, on Senate Bill 959. Read the -- read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 959.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Donahue, on 1075. Senator Donahue? Out of the record. Senator Obama, on Senate Bill 1111. Senator Obama on the Floor? Senator Rauschenberger, on Senate Bill 1137. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1137.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Environment and Energy adopted Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR WEAVER)

Are there -- Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

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3rd Reading. Senator Molaro, on 1148. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1148.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Walsh, on 1173. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1173.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on State Government Operations adopted Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR WEAVER)

Are there Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Walsh, on 1209. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1209.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. 1210. Senator Walsh. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1210.

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(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Walsh, on 1213. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1213.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senate Bill 1214. Senator Walsh. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1214.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Dudycz, on Senate Bill 1514. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1514.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

Are there Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 1, offered by Senator Dudycz.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dudycz, on Amendment No. 1.

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SENATOR DUDYCZ:

Thank you, Mr. President. Senate Amendment No. 1 becomes the bill, creating the new offense of theft of motor fuel, providing that no person may operate a vehicle as to cause it to leave the premises of an establishment at which motor fuel offered for retail sale was dispensed in the fuel tank of the -- vehicle unless that person paid for or charged the price of the fuel.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is the adoption of the amendment. All in favor, signify by saying Aye. And opposed, Nay. The Ayes have it, and the -- amendment is adopted. Are there further amendments?

ACTING SECRETARY HAWKER:

Amendment No. 2, offered by Senator Dudycz.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dudycz, on Amendment No. 2.

SENATOR DUDYCZ:

Thank you, Mr. President. Amendment No. 2 was offered at the request -- or, at the insistence of Senate Transportation Committee, adding one word "minimum" prior to the word "fine".

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, all in favor, signify by saying Aye. And opposed, Nay. The Ayes have it, and the amendment's adopted. Are there further amendments?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Dudycz, on 1518. Senator Dudycz. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1518.

(Secretary reads title of bill)

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2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. On page 4, Senate Bills 3rd Reading. We will be skipping those bills that have been -- a Floor amendment's been attached. This first time around, anyway. Senator Hawkinson, on Senate Bill 1. Out of the record. Senator Mahar, on Senate Bill 10. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 10.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President, Members of the Senate. This is a vehicle for the telecom rewrite, and I would ask that we move it to the House.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Seeing none, Senator Mahar -- the question is, shall Senate Bill 10 pass. All in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 10, having received the constitutional majority, is declared passed. Senator Lauzen, on Senate Bill 19. Out of the record. Senator Cronin, on Senate Bill 21. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 21.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 21 comes as a result of the lengthy process of negotiation between the Cook County Sheriff and the Cook County State's Attorney. Amends the County Jail Act. Adds a new Section regarding release of prisoners to law enforcement personnel. Requires the sheriff to adopt and then implement a written policy that provides for the release of a person who's in the custody of the sheriff to a sworn law enforcement personnel or the State's attorney for purposes of further investigation. Provides immunity to the sheriff for injuries to persons in custody or third parties while a person is in the custody of other law enforcement personnel. I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 21 pass. All in favor will vote Aye. Opposed, Nay. Voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are -- are 57, the Nays are none, none voting Present. Senate Bill 21, having received the constitutional majority, is declared passed. Senator Rauschenberger, on Senate Bill 22? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 22.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate.



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Senate Bill 22 is an attempt to begin to solve a long-standing problem in the Property Tax Code, as it relates to schools. People may remember, the real origin of the concept of school life safety levies goes back to the Little Angels fire in Chicago, when -- when students were in an unsafe school and were killed because they couldn't get out of the school in a fire. An effort was made over time to provide resources to school superintendents and to school boards to make sure that their schools were safe. This resulted in the nickel levy and the right to bond for school life safety projects. Over the period of the -- the sixties and the seventies, and actually into the eighties, there was some controversy because the -- the levy wasn't enough at a nickel levy, which is the cap in the statutes. As we entered the nineties, there was an effort made to reform the School Life Safety Code and, actually what was done was, they introduced the BOCA Code, the building standards, into the Life Safety Code, which actually had the reverse effect of what people expected. It expanded what could be called life safety but made findings by architects and engineers much higher than normal. Let me take you, very quickly, through the process of a school life safety certification. On set periods - I think it's every ten years - school districts are required to have an engineer or an architect survey their school buildings for whether they're safe or not. Those surveys are done according to the rules that are promulgated in the School Life Safety Code, and the architect or the engineer makes findings about whether the school is in compliance and safe. That report is then forwarded to the school board and the school board is supposed to address the safety conditions in their school. We had this kind of collision of all these problems over the last five years. The -- the School Life Safety Code was much broader than it needed to be; in fact, included a lot of things that had nothing to do with school life safety. The old nickel

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levy was not large enough to fix school buildings, but school districts were still being served with architectures -- architects' and engineers' plans saying "Your school is out of compliance." With the support of this Chamber and the other Chamber, we passed a joint resolution three years ago and made a two-year study and redrafted the School Life Safety Code. We've excised, or removed, all of the BOCA Code requirements and refocused it on the safety of kids in schools and the conditions that need to be there. So that's problem number one. That School Life Safety Code has been moved through JCAR and is now part of the State rules. The second part of the problem is having resources to -- to make changes when a school district knows they have a problem. This bill seeks to -- to make progress on those points in a couple of ways. Number one, it takes the old traditional nickel levy and expands that to fifteen cents for -- for elementary school districts and high school school districts and a thirty-cent tax rate for unit -- unit school districts. The logic here is - we now have a cleaned up Life Safety Code - if we have a finding that kids aren't safe, we need to make our school boards responsible and provide them with the resources to correct those unsafe conditions. There are some differences in the way a school life safety levy works from a general levy. When a school district increases a general levy, either through referendum or through board action if they're in a non-tax cap county, that -- that levy stays on forever. In the case of school life safety, you levy to purpose. And that's why I would call it a management levy. If your problem is the wall falling out of your gymnasium - as a situation that I had in my district - if you levy under School Life Safety under this statute, with the new rules that have been passed by JCAR, you have to first have a finding by the architect or engineer that's reviewed by your regional superintendent. It then has to be voted on in public by your

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school board, certifying that they have a problem they want to correct. They have to publish notice of it in the newspaper to let the -- the voters and the taxpayers of the district know they have a problem, and they have to send it to the State Board of Education for review and comparison to the -- to the modified Life Safety Code. If all those conditions are met, this bill would permit a school district - tax capped or not tax capped - to levy outside of the cap to make that correction. When that repair was finished, the levy goes away. It's an attempt to really address the problem. As we talk about the challenges and we make commitments to a large-scale bonding program to reconstruct schools and to modify schools, I think it's important that we give the tools our superintendents need so they can make schools safe so that they can't come down and say, "Oh, my heavens, the tax cap makes it impossible to have safe schools." We've tried to correct the abuses. It is subject to a backdoor referendum. And I want to make two promises. We have -- in the drafting, an error was made in who was -- who could circulate a petition for a backdoor referendum. Relying on old statutory law, the State Board attorneys drafted that a registered voter must circulate the -- the petition for backdoor. That's now been held unconstitutional. So we have to amend in the House. In order to make people more comfortable and answer some valid objections of people in this Chamber, when we amend in the House, I will pledge to have that amendment also lower the threshold for the backdoor referendum from twenty percent to five percent. This bill isn't perfect. It does pierce the tax cap, but what for -- I think is for a very high purpose in a very controlled and -- and closely monitored way. I would appreciate questions on this issue, and I would hope this Body gives it some good thought and hopefully supports moving this on to the next Chamber, where we can make our corrections.

PRESIDING OFFICER: (SENATOR WEAVER)

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Discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Will sponsor yield for two questions?

PRESIDING OFFICER: (SENATOR WEAVER)

Indicates he'd yield.

SENATOR HAWKINSON:

First, not -- this deals not only with the tax cap, but it also removes the front-door referendum provision for the rest of us who aren't under tax caps. Is that correct?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Yes, it does, because currently your -- most school districts are at the -- their -- their nickel-levy cap. So to raise their school life safety, they would have to raise that -- they would have to referendum to go above their nickel. So that's true.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson.

SENATOR HAWKINSON:

And the -- the cap, under this bill, goes up six hundred percent, from .05 to .30. Is that correct?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Cap on the school life safety for a unit school district goes from .05 to .30, and for a elementary and -- and high school district, from .05 to .15. So, yes, effectively you're correct.

PRESIDING OFFICER: (SENATOR WEAVER)

Further discussion? Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President. Will the sponsor yield?

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PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he will yield.

SENATOR ROSKAM:

Senator Rauschenberger, on the -- your commitment to make the amendment on the -- in the other Chamber as it relates to the number of signatures required, is that signatures required of registered voters in the district the five-percent number, or is that signatures of those who over a period of time have voted on those types of issues? Do you understand my question? Okay. Let me restate it. It seems to me that you have a -- a high burden, even at the five-percent number, because there would be more requirements -- let -- let's say in a typical referendum type of question, if you look back historically - like we just had in -- in my district a couple days ago in the municipal elections - historically, there's a lower number of people that come out on those issues. What your bill does, I think, is it doesn't reference that lower number as a five-percent number, but it -- you actually reference the higher number of all of the registered voters in the district. Isn't that right?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

As currently drafted in its flawed form, your analysis is correct. But I would pledge to you right now that if you will help me draft the language for the backdoor referendum and support it, I will adopt any language, because you're the one, I think, that pointed out to me that I had a constitutional problem. So in exchange for your report... The backdoor referendum really should be a backstop only if you have a school board that's acting irresponsibly.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Roskam.

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SENATOR ROSKAM:

I appreciate your courtesy. I'm not going to take the deal though, because I have some underlying other problems with the bill. But just for the benefit of the Body, I wanted to point out that this is not a matter that -- that -- even at the five-percent number, which you've graciously offered, I do still think that this is a big burden. This means that -- no, three, not two, not one. The -- the -- this is a big burden. This means that the people that are opposed to this, they're the ones that have to go out in the snow in February, they're the ones that have to go door-to-door in their communities, they're the ones that have to take out their stubby little pencils when it's freezing outside and be on doorsteps, and they're the ones that have to take the initiative to stop this. Let me ask you a couple of other questions. When this bill was debated -- or presented last year in the Senate Revenue Committee, we heard some testimony from folks - I think it was the Oak Park Superintendent, and so forth - and one of the questions -- he was a proponent of the bill at that time. One of the questions that I asked him, Senator, was, "Are there any children whose lives or health are in danger today because of the presence of the tax cap?" I know that you are -- your heart is as pure as the driven snow on this issue and you're one of the smartest guys in the Chamber, but my question is: Where are those places that you really think children's lives or health is at risk, and why is this necessary? And if it is necessary, why aren't those communities willing to support preventing the -- the -- the life or health of their own children from being at risk?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Well, I can't catalog for you all of the situations, but let

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me give you a couple quick ones that are very cogent to me and -- and nearby. About twenty-four months ago in my Senate district, a school district in the southern part of Kane County had some settling under a gymnasium. The wall of the gymnasium began to bow. It bowed about two and a half inches. They immediately called the engineers and the regional superintendent and then they condemned the gymnasium. For a full school year they lost the use of their gymnasium and field house because they did do exactly what you suggested: they went through the process, waited, and did a school life safety referendum and repaired their gymnasium. The question is whether we trust elected school boards enough to make that decision, with public notice, reviewed under our narrowed guidelines. One other situation that maybe Senator Karpiel would want to speak to: We have a high school in St. Charles, which is just south of my district, that's now been closed subject to contamination, new building sickness, or -- or whatever it is. They have a -- a problem with the kids getting sick. Again, those things are all curable by referendum if you wait. The question is, time period and framing. I don't think there's any children in Illinois right now in unsafe conditions. For the most part, regional superintendents either force the closure of the building or they do temporary, you know, Scotch tape, duct tape repairs to make sure that kids are taken care of. The real question, in my opinion, is stewardship, whether we -- whether we want to make our superintendents -- give them the tools, and then hold them and their school boards responsible for stewardship; taking away an excuse that a -- a twenty-five-year-old nickel levy doesn't do the job or taking away the excuse that a tax cap is the problem. 'Cause I just think, politically, we're never going to win on the argument of school safety if we don't give the discretion and the control and the responsibility to our superintendents.

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PRESIDING OFFICER: (SENATOR WEAVER)

Further discussion? Senator Roskam. Turn your light on when you wish to speak.

SENATOR ROSKAM:

To -- I'm sorry. To have your -- to take your argument to the logical conclusion, Senator, if the underlying philosophy is one of stewardship, you're actually making an argument against the entire tax cap, because what the tax cap does is puts, really, an unnatural restraint, as we saw in the early nineties, on -- on people who were making stewardship decisions that this General Assembly fundamentally disagreed with, and said, "No, that is -- it's too much, it's too fast, it's too far. We're driving people out of communities where they've been here for a long-standing period of time." There was one person in our community -- and I'm not ascribing this -- this philosophy to you at all, so don't overinterpret what I'm saying. But there was one person in our community that said, "Well, if you don't like it, if you can't afford it, why don't you move -- why don't you move to Arkansas." So I think that what the General Assembly did wisely was say, "Look, we're going to put in tax caps." I remember when Senator, then Representative, Cronin and Representative Persico, when they were freshman Reps, had a -- had an -- a hearing in Glen Ellyn on the tax cap issue. And, Senator Rauschenberger, you would have thought that -- that western civilization itself was going to come to an end if the tax caps had been in place. Well, they were put in place and -- and good things have happened since. So, Mr. President, to the bill: I rise in opposition to this. I think it's well-intentioned, but I think it's fundamentally flawed. In my opinion, this is like opening up a window on a submarine. It -- it is, over a period of time, going to -- it's going to have long-term and, I think, unintended consequences. And the unintended consequence is that we will -- we will hear from taxing



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body after taxing body after taxing body, who will come here and they will say, "You've made this exception for the schools. We have children in our programs. We need this exception to be made." And I think the Body needs to understand that, over a period of time, we have put - in the past couple of years - two billion dollars into school construction grants. We have put -- tax caps do not -- current tax caps don't cap new growth, and that's built into the base of schools. And I think one of the other underlying questions and problems that I have with the bill is, in my opinion - even though I've spoken with the sponsor - in my opinion, this gives some extraordinary powers of definition to the State Board of Education. And I know the sponsor disagrees with my interpretation of that. But I think that what we're doing is, by not clearly defining in this statute and elsewhere what exactly life safety means and have that completely tethered down in a statute, I think ultimately we are going to abrogate a legislative responsibility. And I would urge a No vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. I would move the previous question.

PRESIDING OFFICER: (SENATOR WEAVER)

There are seven lights on. We'll go to Senator Shadid.

SENATOR SHADID:

Thank you, Mr. President. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he'll yield.

SENATOR SHADID:

Senator Rauschenberger, how many schools have been closed in the State of Illinois for lack of safety?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger.

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SENATOR RAUSCHENBERGER:

I don't think I can answer that question for you. I know of the gymnasium case, where part of a school building was closed. The school in St. Charles is actually closed now.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Shadid.

SENATOR SHADID:

Who is responsible for the safety of the schools, of the buildings and the safety codes? Who's the responsible body?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

The -- to the best of knowledge, under statute, school boards are responsible for the safety of their children. Their decisions are reviewed in the annual inspection by the regional superintendents.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Shadid.

SENATOR SHADID:

What -- what training does the regional school superintendent -- and what -- no, my question is this: What is the cost of these safety inspections by the regional school superintendents? What is that cost?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

The regional school superintendent's inspection, which is different than a life safety inspection - I'll be happy to explain that - is -- is part of the duties of a regional superintendent. So I don't know that you can assign a cost. It amounts to a personal inspection. Under statute that's already existent, that has nothing to do with what we're doing here today, we require an

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architect or an -- a certified engineer to inspect our school buildings - my recollection is, it's every ten years - and submit to the school board this life safety report. My guess is, and this would just be a guess, that it probably runs between four and eight thousand dollars per building, depending upon the size of the building.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Shadid.

SENATOR SHADID:

Well, what does the -- what encompasses the inspection by the regional school superintendent?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

I wish we had Doug Hoeft, or someone, here who is a former regional, but I'll tell you what I know about it. The inspection by the engineer or the architect is a formal review to match the conditions in the school building to the School Life Safety Code, which we've now revised. The regional superintendent does kind of an in-between-year cursory review, depending upon their skill level. Some have pretty good knowledge from long term and some don't.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Shadid.

SENATOR SHADID:

The information I have is that they contract this function out. The regional school superintendents do. And the question is, who do they contract out to? Then -- then I have a response for you.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger.

SENATOR SHADID:

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What's the qualifications of the people they contract to?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

In the case of the school life safety inspections, it has to either be a certified engineer or an architect. When the regionals contract out, it's a decision made by an elected official. In -- in my area, Clem Mejia, my regional, makes personal inspections. So I -- I don't -- can't answer your question. I apologize.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Shadid.

SENATOR SHADID:

I won't belabor it, but there is a cost involved in this. So, my question has been, and still is, the fire departments are responsible for inspecting all public buildings in their jurisdiction. And they're willing to do this - I've talked to several of them - they're willing to do it for free. So why aren't we imposing that? Why do we give this particular function to the regional school superintendents? I would think that we'd give it to the fire department, who could do a much better job, as far as I'm concerned, and not -- and be more objective.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator Shadid, I -- I don't disagree with your analysis. I -- I sometimes wonder what regionals do. It doesn't directly go to the bill. Under current statute, the only -- the only person under statute with the authority to condemn a school building is a regional superintendent. Currently, the Department of Public Health or your local fire department can only make a recommendation. So like a lot of government reforms, I'll -- I'll

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be there with you later.

PRESIDING OFFICER: (SENATOR WEAVER)

Further discussion? Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would yield.

SENATOR DILLARD:

Senator Rauschenberger, what keeps, and are there any penalties, if a school superintendent decides to exercise this exemption to the tax cap and uses the money for something other than life and safety?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

With the exception, I would -- no, not -- not -- there are no explicit misdemeanor or felony penalties for the misuse of school life safety, other than what any superintendent would be subject to under his duties of office: malfeasance, nonfeasance -- or, misfeasance. So, no, there's no specific additional penalties in this statute. Any regional who -- or, any superintendent who misused public funds would be subject to whatever statutory scheme already exists.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dillard.

SENATOR DILLARD:

Thank you. One more question. What's the certification process? Maybe the -- maybe the -- maybe the safeguard is they've got to have it certified by the State Board of Education. What's that process?

PRESIDING OFFICER: (SENATOR WEAVER)

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Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

School life safety projects must originate with a engineer or an architect, in their review. Once that review is made, it's submitted to the publicly elected school board. The school board has to endorse and forward the -- the recommendation to the State Board of Education for review against the School Life Safety Code. They also have to publish it in the newspaper to make the voters of the district aware. So, there is a -- a review. Now, the question of whether, once they levied for it, if they actually spent it or, you know, went to Aruba on it, you know, that would go to the -- to the statutory scheme that already exists for malfeasance or misfeasance. But...

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Clayborne. Further discussion?

SENATOR CLAYBORNE:

Thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would yield.

SENATOR CLAYBORNE:

Senator Rauschenberger, I -- what -- what is the rationale behind the six-hundred-percent increase in the health and life safety?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

We inserted a statutory cap, at some point in the past, to make sure that the school life safety levy was at a nickel per hundred dollars of assessed valuation. It's a special levy. It's -- it's a compacted levy that can only be used for a specific purpose. Over time, like a lot of things, it no longer is large enough to meet the -- the needs of its -- so, we're just -- we're

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lifting that statutory cap. That doesn't raise the levy; it raises the permissible levy. Three hundred percent in the case of unit school districts relates, in their minds anyway, and the -- the school finance experts, and the panel that spent two years studying this, it represents what they think is approximately the level that they ought to have access to under the statutory scheme.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Clayborne.

SENATOR CLAYBORNE:

Let me ask you another question, Senator. My understanding, the -- when tax caps were implemented and they were voted on by referendum, it was basically to allow the people say-so, the taxpayers the say-so in terms of what they felt they should pay for in terms -- above and beyond the five-percent levy increase every year. And I assume that -- in my opinion, that this is a bill in which we don't trust the taxpayers to make the proper decision as to how they should spend their money or whether they're -- or whether they're willing to -- to pay for these health and life safety, I guess, maintenance problems in their district for the kids that -- that live in their district. So, I guess fundamentally you believe -- or -- or, you believe as it relates to this issue, that the tax cap law is flawed.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

I would remind the Senator and the Body that ninety percent of the people in the State of Illinois who are under tax caps did not vote tax caps in. They were -- the tax caps were legislatively imposed here in Springfield. Cook County and the five collar counties -- the first people under tax caps actually, the five collars, followed by Cook, represent in excess of eighty percent

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of the population of the State. They didn't vote their tax caps in. This is an effort to take a clear, delineated, carefully certified series of needs and not force them to wait for a referendum to exercise them. But, yes, it does go to the question of whether voters ought to participate in any revenue raising. There are people in this Chamber, and I know people on the outside, who think that perhaps we should have to referenda here before we raise license plate fees or general taxes or other things. So the question of participation of our voters is -- is a good one to raise in this debate.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Clayborne.

SENATOR CLAYBORNE:

So -- so if that's the case, why aren't we doing a front-door referendum? Why aren't you following the tax cap law and allowing people to say up front whether they believe these health and life safety issues are needed, rather than going behind the back -- doing a backdoor referendum?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator -- Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

None of us -- none of us believe, I don't think, that our school systems are perfect systems. But what is clear is that we have mounting school life safety conditions that superintendents, for whatever reason, believe they can't get a front-door referenda on. And in -- in a practical political sense, if you want to pass a referenda in a school district, you broaden the base, which means you don't levy for a specific purpose to fix the roof or to fix the wall of your gymnasium; you levy a general tax so that you get the teachers and the parents and everyone helping you raise the money. The disadvantage to groups on a referendum of a management levy is, once you pay for the roof, you lose the levy.



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It's a specific-purpose levy. They can't use it for wages later. They can't buy computers with it. They can't do all the things that sometimes frustrate us with that money. So, consequently, it's very difficult to build a political base to go out and run a -- a broad-based referenda campaign around school life safety. I mean, that's why, I guess I would argue, we need to trust elected school boards and -- and the superintendents that run them that have the custody of our children. At least, don't let them say "We can't take care of school life safety because you've hamstrung us."

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley. Excuse me. Senator -- if you turn -- leave your light on, please. Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Mr. President. I -- I guess I just want to wrap up by saying basically two things. One, I believe the rationale behind the tax caps was -- was to allow the voters to make a determination as to whether they decide to spend their money for these projects that the school board or -- or the people in the community feel are necessary. And I think that this is a way in which we've masked a situation of not trusting the voters to make the proper decision by going through the back door. The other problem I guess I have with -- with this is, and -- and I respect the sponsor a lot, but, you know, I have a problem with this six-hundred-percent increase. You know, not only are we -- we -- we saying that we're going to go through the back door, but when we go through that back door, we're really going to blow it open. We're going to blow that back door off with the six-hundred-percent increase, and -- and I think that the voters deserve better. I think that we should keep them informed, for those who have -- have passed these tax caps, to make sure that we maintain the integrity of the tax caps. And as Senator Roskam has

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said, you know, this is just a start. Where will we end?

PRESIDING OFFICER: (SENATOR WEAVER)

Further discussion? Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR WEAVER)

Indicates he will yield.

SENATOR O'MALLEY:

Senator Rauschenberger, you mentioned, of course, and we've discussed this at length on the Floor, that there is a backdoor referendum provision in this legislation. And the threshold at twenty percent is a rather high threshold. And while Senator Roskam did not want to take you up on your offer, I intend to and would like to work very closely with you to make sure that it is lowered, with a target to at least five percent. And -- and if you could find your way to making it even lower, I think it would be more agreeable to more people. But I will accept that -- your commitment at five percent. My question to you though is along the lines of who your sponsor would be in the House, and are they as committed to this commitment as you are?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

We haven't selected a House sponsor. I think we're still kind of wondering whether this bill's going out of the Senate. But I will assure you that no one will sponsor the bill who won't meet that commitment. As the Senate sponsor, I can control the House sponsor, and we'll make sure we have an agreeable sponsor.

PRESIDING OFFICER: (SENATOR WEAVER)

Further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. Will the sponsor yield?

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PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he'll yield.

SENATOR HENDON:

Senator Rauschenberger. I still haven't decided how I'm going to vote. So I wanted to preference {sic} my questions with that. I probably -- may vote with you; however, I have to ask you just a few things. Senator Clayborne said this was a six-hundred-percent increase in the taxing authority. That sounds kind of high. Is he correct or incorrect?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

The property tax levy for schools is made up of a whole series of separate funds. One of the single funds is a life safety nickel levy. Okay? That nickel levy, in the case of a unit school district, is being raised to thirty cents. So, in that single portion of this designated-use part of the property tax, it is that large an increase. But it's not that we're permitting the whole school levy to increase by six hundred percent. It's kind of like that argument that if you legalize needles, you know -- but we don't want to get into that.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hendon.

SENATOR HENDON:

I didn't think you did. I understand life safety issues and dangerous schools and all that. No one wants that, roofs falling in on children and all that. But the tax caps, in itself, wasn't that a -- something that you supported? It was a strong Republican idea. I remember Senator Jones, my leader, warning against the dangers of tax caps. But, yet, that side of the aisle pushed it through, and if I can hear the debate correctly, you're expecting votes on this side of the aisle to correct something

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that was done on that side of the aisle. Was it a mistake when the Republicans pushed tax caps down our throats?

PRESIDING OFFICER: (SENATOR WEAVER)

Senate -- Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

The tax caps for the collar counties were enacted before I was in the Legislature. So I don't know that I have to feel responsible for that piece. It set a template that we did then vote to force on Cook County and is now loosed throughout the State. The single best logic for -- for proposing tax caps across the State is, once we get all of the voters under it, we can find the good parts, the working parts, of tax caps and leave them in place and allow flexibility and correction. So, were the tax caps perfect? I think you point out, absolutely, they're not. And I would welcome your support to this bill any way you want, Rickey.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hendon.

SENATOR HENDON:

Okay. In conclusion, I'll conclude by saying it -- it always amazes me that when it comes to being responsible, being fiscally responsible, and when that responsibility means raising taxes or -- or getting past the cap so we can take care of things that we should have seen when we implemented it, it's always go over to the Democrat side of the aisle, the Democrats will bail us out, the Democrats will give us the vote we need so we can raise the taxes and do these different things. And there just has to come a time, I believe, in this place where the Republican Party and Republican Members have to step up to the plate as well, if Senator Rauschenberger is correct and this is a life safety issue, and go ahead and give your colleague, who you -- Pate Philip has put the trust in to be in charge of the money, give your colleagues {sic} the votes that he needs on that side of the aisle

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and let us off the hook for once, instead of expecting the Democrats to always bail you out, always bail out the people of the State of Illinois when the Republicans have made a mistake. And I think that this should be one time when we see as many Republican Ayes up there as we see Democrats.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Thomas Walsh.

SENATOR T. WALSH:

Thank you, Mr. President. I have a -- just on the issue of the life safety. We've all heard the horror stories of what life safety monies have been used for, swimming pools and so forth. Could you just go into a little bit more detail and tell us what has been done to tighten up the life safety...

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Senator Walsh, for asking that question. Nona Myers, who stands behind me, under the aegises of our resolution, convened a two-year study with more than thirty volunteer architects, business leaders, superintendents, regional superintendents. We had two fire safety officers, representatives from LUDA. We spent two years taking a look at the existing Life Safety Code, removing the -- the things that were added to it in the late eighties and early nineties that had nothing to do with school life safety, and working on a narrowed set of very credible definitions to make sure the kind of abuses and the -- the public trust failure that took place in the early nineties, when there was a lot of discretion, out of the School Life Safety Code. So we went through an exhaustive process. In my opinion, we've gotten to 99.9 percent of the -- the things that are dangerous, politically unfair, in the School Life Safety Code.

PRESIDING OFFICER: (SENATOR WEAVER)

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Senator Walsh.

SENATOR T. WALSH:

So -- so for something to be eligible under the Life Safety Code, it has to go to the regional superintendent and then it goes to the State Board of Election {sic} before it can be approved? First of all, it would have to go -- the superintendent and the Board would have to approve of it. The regional superintendent and then the State Board of Election -- or, State Board of Education.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

It's even more exhausting than that, because first you have a -- have to have a finding by an architect or an engineer that you have a school life safety problem according to the revised Code. That is then transmitted to the school board, which has to hold public meeting on it and vote that they do have the problem and that the architect's right. It's reviewed by the regional and then submitted to the State Board of Education, which checks to make sure it adheres to the current, new School Life Safety Code, because there is some danger that an architect or an engineer in -- someplace in the State might not be as up to date as they need to be on the Code. So the assurances that it meets the requirements of the new strict rules, I think, are very much in place. The public view is there, both in the public meeting and in publication.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Walsh.

SENATOR T. WALSH:

Well, there's been a lot of talk about the six-hundred-percent increase in the levy also. I mean -- I -- there -- I believe, and if you could clarify this, it is the assumption that everybody

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will go right to the limit. They can't go right to the limit, would be my understanding. And I would also imagine that there are some school districts that, by referendum, are already over that -- that -- that five-cent limit. So -- so they would have to prove some -- some type of a need for a life safety project before they could -- before they could get anything. And the maximum they could get would be the thirty cents, and -- is it thirty? -- fifteen percent and thirty percent.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator Walsh, you're absolutely correct. They can't -- even if we pass this bill, they can't access any of the new without a school life safety finding that is, you know, approved by the engineer and the architect and through the whole process we discussed. You are correct: Some districts are over the nickel levy. But for the most part, because that nickel levy can only be spent on school life safety, most referendums aren't for special purpose funds. In order to get the broad base of voters, they did their referendums in the general funds. So it isn't a tax increase of six hundred percent, or two hundred percent, or any percent; it's an increase in the statutory cap on a special fund.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Walsh.

SENATOR T. WALSH:

Well, to the bill: It sounds like the sponsor has put the appropriate controls in here, I think, to keep the tax cap pretty much in -- in -- in check there. I believe in tax caps. I think tax caps have worked. We have made exceptions to the tax caps in the past. This -- this tax cap legislation was a major piece of legislation that we -- that -- that we passed. And, again, I -- I think it's been working. I think it's controlled the property

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taxes of the -- of the people that are in the capped areas in the State of Illinois. We made an exception last week when Senator Philip had a problem with, I think, sixteen park districts in the State of Illinois that were having a problem. We made an exception a few years ago for the museums in the City of Chicago and for the Brookfield Zoo that -- that were having a problem because of the tax cap. This was a major piece of legislation and it wasn't perfect, but we sure didn't want to close down the Brookfield Zoo and we didn't sure -- we didn't want the -- the museums in the City of Chicago to be compromised because they are great cultural institutions and we need to -- need to keep 'em good. Life safety is a good reason to make another exception, it seems to me. And the controls are in this thing so that it doesn't -- doesn't give the school districts the ability to run rampant. And I think the sponsor's done a good job and I'd urge support.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger, do you wish to close? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Within fifteen years of passing the U.S. Constitution, we amended it ten times for things that we understood, after passage, needed to be changed and corrected to enhance it. The tax cap law is a very important law and, for the most part, works very well. But to argue that any kind of review of the tax cap, even in a limited fashion, is an unreasonable position. We're elected to make judgments, and I think this bill represents a studied, thoughtful effort to provide a path to make the managers and the people with the responsibility for our schoolchildren -- give them the tools they need to make sure kids are in safe conditions. Again, you can't spend this money unless you have a finding that's approved by the architect, that's voted on in a public meeting by



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your school board, that there's notice to your voters, and that is reviewed by the State Board for its -- so, it's not a wide-open opportunity. It's really a narrowly defined management levy to make our school boards and our school superintendents -- to give them the tools to make them both responsible and careful with our kids. I really appreciate the thoughtful debate. I know people feel very strongly about these kind of issues and tax caps. And I really thank everybody and hope those people who feel they can, will give me a fast green light.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 22 pass. Those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 34, the Nays are 18, 2 voting Present. Senate Bill 22, having received the constitutional majority, is declared passed. For what purpose Senator Burzynski seek recognition?

SENATOR BURZYNSKI:

Thank you, Mr. President. Point of personal privilege.

PRESIDING OFFICER: (SENATOR WEAVER)

State your point.

SENATOR BURZYNSKI:

Thank you. In the gallery behind me, we have several students from several junior high and middle schools in my district that are here for the DeKalb County Farm Bureau Youth in Government Day. I'd like for the Chamber to welcome them today.

PRESIDING OFFICER: (SENATOR WEAVER)

We welcome you to Springfield. Senator Dillard, on Senate Bill 32. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 32.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is a bill that amends four different sanitary district Acts to adjust for inflation with respect to competitive bidding and also emergency contracts. And we raise the threshold just a little bit for regular contracts that don't have to be competitively bid. These haven't been raised in a long time. And then also, most importantly - and this is what the sanitary districts really want - is when they have an emergency, they want the ability to contract up. And there's a sliding scale, depending upon the size of the sanitary district, but basically we're talking either forty thousand dollars or seventy-five thousand dollars for a big one, on up to a quarter of a million for an emergency that doesn't have to -- to be competitively bid. Obviously, we all want sewerage and water when there's an emergency. And I want to thank Senator Larry Walsh, the Minority Spokesman of the Local Government Committee, who worked very hard on this bill, as did Senator Terry Link on behalf of the North Shore Sanitary District. I'd be happy to answer any questions, but this bill has been thoroughly scoured by both sides of the aisle, and I'd appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 32 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 43, the Nays are 13, none voting Present. Senate Bill 32, having received the constitutional majority, is declared passed. Senate Bill 42. Senator Hawkinson. Read the bill, Madam Secretary.

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ACTING SECRETARY HAWKER:

Senate Bill 42.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. This is simply a shell bill at this point, but we want to move it to the House in case we get some agreed language to make the genetic testing privacy Act a little stronger.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 42 pass. Those in favor will vote Aye. Opposed, Nay. The voting's open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 42, having received the constitutional majority, is declared passed. Senate Bill 48. Senator Parker. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 48.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Parker.

SENATOR PARKER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is a bill offered by the Office of Banks and Real Estate, and the proposal is in response to the recent scandal-plagued receivership proceedings occasioned by fraudulent and criminal misappropriation of IRA accounts through a scheme perpetuated by Intercounty Title Company in Chicago, whose officers and directors

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interlocked with a corporate fiduciary they set up. What this does is, it requires the business and affairs of a corporate fiduciary to be managed by a board of directors, at least five in number, to be fixed from time to time by a two-thirds vote of the stockholders. It increases industry assessments for the Corporate Fiduciary Receivership account in the Bank and Trust Company Fund from three hundred and fifty thousand to five million dollars to be achieved over a multiyear period. It subjects officers, directors, employees and agents applying for corporate fiduciary operating authority to Class 3 felony penalties for knowing and willfully making a false statement or false entry with intent to deceive authorized examiners or deceive the Commissioner or his administrative officers. It requires annual outside audits by an independent licensed public account. I would be glad to answer any questions and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 48 pass. Those in favor will vote Aye. Opposed, Nay. The voting's open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 48, having passed the constitutional requirements, is declared passed. Senate Bill 57. Senator Roskam. Out of the record. Senator Peterson, on Senate Bill 58. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 58.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Peterson. Out of the record. Senator Obama, on Senate Bill 62. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

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Senate Bill 62.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Obama.

SENATOR OBAMA:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. This is a fairly straightforward bill that deals with the problem that we've had in layoffs throughout the State of Illinois, as the economy has been going through some rough patches. As some of you know, the federal government already has a law in place called the WARN Act, which requires notification of workers prior to layoffs. All this bill would do would essentially have the Department of Employment Security provide an annual statement to these companies, notifying them that, in fact -- what's required in terms of WARN Act compliance. It appears that some companies are not aware of WARN Act requirements. This has been worked on. It has the Department's approval. There are no objections. The industry groups like the IMA and the Chamber of Commerce thinks it's a good idea, as well. As I said, I know of no opposition, and I would ask for an affirmative roll call.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. Chairman and Ladies and Gentlemen of the Senate, I'm very glad that Senator Obama sponsored this bill. In my area, Johnson Motors, seven hundred employees were told December -- 20th that they would be terminated 21st of December, the next day. They should have had at least a 60-day warning period like it's provided in the federal statutes in what is known as the WARN Act. And I'm very happy to see this bill come through, and I urge everyone to support it.

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PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? If not, the question is, shall Senate Bill 62 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that -- Senate Bill 62, 56 Ayes, no Nays, none voting Present. Senate Bill 62, having received the constitutional majority, is declared passed. Senator Sullivan, on 71. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 71.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Sullivan.

SENATOR SULLIVAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is a shell bill for our telecommunications rewrite. Just a brief update -- update for the Members. The four caucuses are meeting daily with all interested parties on telecommunications so that hopefully, and I think we will, have a bill for you to review next month.

PRESIDING OFFICER: (SENATOR WEAVER)

Any questions? All in favor, signify by saying Aye. Excuse me. Senator Sullivan has moved the adoption of Senate Bill 71. Are there any further questions? If not, those in favor, signify by voting Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 71, having received the required constitutional majority, is declared passed. Senator Watson? Out of the record. Senator Radogno, on -- excuse me. Out of the record. It was amended today. Senator Klemm, on 118. Read the bill, Madam

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Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 118.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President. Senate Bill 118 adds four judges to the 19th Circuit, which is the -- one of the fastest growing ones in the State of Illinois. And it also changes a population requirement in one of the circuits because of the census that was taken. They were going to be losing circuits, and this would at least give 'em at least five judges -- associate judges that they have now. And I'd ask for your support.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Cullerton.

SENATOR CULLERTON:

Sponsor yield?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he will yield.

SENATOR CULLERTON:

Senator Klemm, I -- I understand that you've had a population growth and understand the need for the judges. I believe that there are some other areas of the State that may also need some judges. Is it -- I hope that you'd be open to any possible concurrence motions from the House if -- if they decide to add some others. Is that something you, perhaps, have discussed?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Klemm.

SENATOR KLEMM:

Well, the reason I kept it this long is because if there were

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amendments from the Senate, I would honor them. And I have no problem. I imagine there'll be some amendments in the House when this gets over there. I would expect that.

PRESIDING OFFICER: (SENATOR WEAVER)

Further discussion? Senator Welch. Any further discussion? If not, the question is, shall Senate Bill 118 pass. All in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 50, the Nays are 3. Senate Bill 118, having received the required constitutional majority, is declared passed. Senate Bill 130. Senator Madigan. Robert Madigan? 131? 132? Senator O'Malley, on Senate Bill 136? Out of the record. Senator Rauschenberger, on 146. Out of the record. Senator Watson, on 151? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 151.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. This is a -- a vehicle bill. There's been ongoing meetings concerning Medicaid and the pharmaceutical line item. If there's a need for a vehicle, that's what this would be used for, is language that might come from those meetings. So appreciate...

PRESIDING OFFICER: (SENATOR WEAVER)

Is there any discussion? If not, the question is, shall Senate Bill 151 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. Senate Bill 151, having received the constitutional majority, is declared passed. Senator Syverson,



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on... Excuse me. Senator Dillard, on 172? Out of the record.

Senator Philip, on 188? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 188.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the -- of the Senate. Senate Bill 188 amends the Illinois School {sic} (Election) Code. Deals with the -- using a school as a polling place. Under the present law, a county clerk {sic} or a board of election commissioners choose a school as a polling place, they must use that for a polling place. However, if the school district would prefer not to be -- have the students present or entering school, they may choose to hold a teachers institute day. So, in other words, what -- what that means is, the school would be open, the kids wouldn't be there, the teachers wouldn't be there. It doesn't make 'em do it; it allows them to use it. In my county, we probably have -- overwhelmingly, the largest amount of -- group that have polling places are schools. But there's some schools that do not want students there while people vote. So be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there any discussion? If not, the question is, shall Senate -- excuse me, Senator Jones. I didn't see your light. Senator Jones.

SENATOR E. JONES:

Yeah. Thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he'll yield, Senator.

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SENATOR E. JONES:

Senator Philip, the net effect of this bill would require teachers to go to an in-service training on election day?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Philip.

SENATOR PHILIP:

No. It would give the school...

PRESIDING OFFICER: (SENATOR WEAVER)

Senator...

SENATOR PHILIP:

...the option to do it that way. It does not mandate it at all. It's up to the school.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jones.

SENATOR E. JONES:

In the -- in the language of the bill, does it say shall or does it say may?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Philip.

SENATOR PHILIP:

...A-Y. May. And, you know, they have about four or five of those institute days a year. So they have some flexibility there also.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jones.

SENATOR E. JONES:

Since they have the flexibility, as you so indicated, then why is this bill even necessary when you -- you single out just election day? Why is the bill even necessary?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Philip.

SENATOR PHILIP:

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Because, if you'll remember correctly, we had a - how should I say it? - disturbed woman that came in a school in Cook County and shot a couple of students. So, generally speaking, the schools around the State of Illinois have tightened up the security, even in my district where we don't have a lot of gangs, we don't have a lot of crime. After school opens, they lock the doors. For me to get in, I have to hit a button and they ask who's at the door, they come down and let me in. Now -- so that's the problem. So some of the -- the administrators and some of the school boards do not want classes on voting day, because they -- they -- the doors are open and you never know who's going to come in on that voting day. So this gives them the opportunity to use a -- a teachers institute day. So the teachers aren't there or the kids aren't there. So, hypothetically, it's safer for everybody. Now, I will say this, Senator, there are some teachers who don't like this for this reason: They want it on Friday or Monday. You can figure that out for yourself.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jones.

SENATOR E. JONES:

Well, if they were concerned about deranged individuals walking into a school and they are not -- not necessarily gang members. I haven't heard any problems in a Chicago school on election day. And when you say you're going to have them in your neighborhood, but persons walking in that are demented, they go -- they go anywhere. So it has nothing to do to where the person's located. I didn't know you had that many out there in DuPage County as such. But now I'm glad you let us know this. But -- but I don't think the bill is really necessary. I believe you have another intention, which you haven't really explained to the Body in full, as to why you want to have the educators use this as a in-service day. And perhaps you will tell why you want it so,

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perhaps, we can have a better understanding as to why you're pushing this bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Philip.

SENATOR PHILIP:

Yes. Yes. Let me say this, this has been worked out with the regional superintendent of school from my county and the Election Commission. And -- and, Senator Jones, in case you don't remember, in the polling places in the City of Chicago, there's a cop on duty for the whole time people vote. Now, I wonder why.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Molaro. Senator Jones.

SENATOR E. JONES:

Well, I think the policeman's on duty if they -- I don't think they have them at every polling place anymore. But I believe they was in there to try to keep some of those deranged Republicans from -- from DuPage coming in, trying to harass the voters.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Molaro.

SENATOR MOLARO:

Well, thank you, Mr. President. I -- I don't know if I really want to stop this nice little conversation our two Leaders are having. Maybe they could continue this afterwards somewhere, but I do -- I -- I do have a question, just to make sure. And so in other words, if the -- if the Board of Election comes up and says "We're going to use this as a polling place", the school really doesn't have a choice. It's a public building. It's going to be held. So now they have two choices: either they hold school or they have this institute day. Could they just have the third option of saying we don't want school and no institute day, or does it have to be one of those two options?

PRESIDING OFFICER: (SENATOR WEAVER)

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Senator Philip.

SENATOR PHILIP:

Either one.

PRESIDING OFFICER: (SENATOR WEAVER)

Further discussion? Senator Molaro.

SENATOR MOLARO:

I -- I kind of posed it at a -- in a question where there would be three options, and you kind of said either one. So, I mean, either one of the three, or just those first two?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Philip.

SENATOR PHILIP:

Now, I thought that was a pretty legalistic explanation, but I'll do it again. You being a lawyer, I understand those things. The first two.

PRESIDING OFFICER: (SENATOR WEAVER)

Further discussion? If not, the question is, shall Senate Bill 188 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 47, the Nays are 6, none voting Present. Senate Bill 188, having received the constitutional majority, is declared passed. The Chair will yield to Senator Jones.

SENATOR E. JONES:

Yeah. Thank you very much. We are honored today to have with us a group of women businesspersons -- people from Tanzania. They are here in the United States on a trip sponsored by Heartland International, and what they are doing is going to have a one-month training session on strategies and techniques businesses can use to impact public policy. We here in Illinois constantly deal with legislation as it relate to public policy impacting on women and other businesses. So the delegation is here and their

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spokesperson, who will speak for them... Speaking for the delegation is Ms. Eunice - and I cannot pronounce her last name, but perhaps she would do it for us. But she's here to speak for the delegation from Tanzania. These are all women businesspersons.

MS. EUNICE BANGILI:

(Remarks by Ms. Eunice Bangili)

SENATOR E. JONES:

And they were here -- our Intergovernmental Cooperation Commission have them here, and the Heartland Institute {sic} is taking them around and learning the various techniques as far as credit, loans, the Small Business Administration. We have, with DCCA, programs and they want to learn those various techniques and run businesses. They even have persons here who're doing things that I did as a child, and that is raising chickens and everything, which I'm very interested in. But they're -- I'm glad you gave them a warm welcome and everything. So we really appreciate them coming by. Thank you very much.

PRESIDING OFFICER: (SENATOR DONAHUE)

We will start again at the top of page 6 with Senate Bill 222. Senator Dillard? Senator Dillard, on Senate Bill 250. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 250.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard.

SENATOR DILLARD:

Thank you, Madam President. This bill comes from the Corporate Fiduciaries Association and says that if a trustee makes an election, they can receive notices by electronic mail. It has

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to be an affirmative that you'll accept notification by electronic mail, and it just brings our Trusts and Trustees Acts in Illinois into the twenty-first century. I'd appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, the question is, shall Senate Bill 250 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 250, having received the required constitutional majority, is declared passed. Senator Dillard, on Senate Bill 257. Senator Burzynski, on Senate Bill 261. Senator Halvorson, on Senate Bill 269? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 269.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Halvorson.

SENATOR HALVORSON:

Thank you, Madam President, Members of the Senate. Senate Bill 269, as amended, changes the financial threshold for the definition of small construction business from three million to ten million, and requires that data pertaining to women-, minority- and disabled-owned businesses be included in the annual business report to the General Assembly. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, the question is, shall Senate Bill 269 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Take the record. On that

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question, there are 57 Ayes, no Nays, none voting Present. Senate Bill 269, having received the required constitutional majority, is declared passed. Senator Karpiel, on Senate Bill 370? Senator Rauschenberger, on Senate Bill 370. Senator Dillard, on Senate Bill 385. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 385.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard.

SENATOR DILLARD:

Thank you, Madam President. This is sort of a hybrid omnibus bill dealing with counties. And if you'll bear with me for a second...

PRESIDING OFFICER: (SENATOR DONAHUE)

Why don't you just wait a minute, Senator Dillard. Take your conferences off the Floor. Let's get in our seats. And Senator Dillard, on Senate Bill 385.

SENATOR DILLARD:

Thank you. This bill comes from the Association of Clerks and Recorders, the Metro Counties Council, and also contains a provision for DuPage County State's Attorney Joe Birkett. Does four things, and then I'll be happy to answer questions if people have them. The first thing, it authorizes county boards in counties of the first and second class - that's everybody but Cook, which is in a class by itself literally and figuratively - to enact an ordinance to authorize an extra ten-dollar fee for the issuance of the certificate of sale in the sale of land for taxes. The second provision authorizes any county board to use the current three-dollar fee for document storage for additional purposes, including the cost of -- of automating documents and



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placing them on the Internet, and this authorizes the recorder to make records available on the Internet for a reasonable fee. The third thing is, it increases the fees authorized to be imposed by the DuPage County State's Attorney to make them equal to the fees that are charged by the Cook County State's Attorney. And the last thing that this does is, it ends -- it is a bill that was originally sponsored by Senator Clayborne, on the other side, and allows any county board to increase their maximum fine for violation of county ordinance from five hundred dollars and it increases it to seven hundred and fifty dollars. Now, let me just go back on the recording of things on the Internet. That incorporates the provision of Senate Bill 680, sponsored by Senator Judy Myers, over here on this side. So, it's a county board omnibus bill. And I'd be happy to answer questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, the question is, shall Senate Bill 385 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 34 Ayes, 21 Nays, none voting Present. Senate Bill 385, having received the required constitutional majority, is declared passed. Senator Philip, on Senate Bill 428. Senator Philip, on Senate Bill 429. Senator Parker, on Senate Bill 434. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 434.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

SENATOR PARKER:

Thank you, Madam President, Ladies and Gentlemen of the

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Senate. The next three bills - and I'll talk about the first one, 434 - are as a result of the Mental Health Treatment and Evaluation Task Force. And I want, first, to thank those members. There were twenty-five members. We had reconvened -- we had convened last year -- a couple of years ago and came out with legislation for mental health issues. And this time we convened to look at mental illnesses in pretrial detention situations. As many of us may know, that the -- the jails -- the pretrial detention in jails can house as many as a thousand people a day, more than our institutes do in the State of Illinois. What Senate Bill 434 does is, it allows the Secretary of Human Services to establish three pilot programs, subject to appropriation, to provide persons who have been released from jails and pretrial detention facilities with access to providers of mental health services. The pilot programs would help to reduce the number of persons with mental illnesses in jail, in the criminal justice system, and in jails -- particular. Thresholds has done a small pilot program on this, and they have found out that it reduces recidivism, helps people stay out of the hospitals, and helps for homelessness. And it does help on the price and the cost of treating people. I would ask for a favorable vote, and will answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Senator Trotter.

SENATOR TROTTER:

Thank you very much, Madam President. I, too, want to thank all of the -- the members of the task force who worked very diligently to put these next three pieces of legislation together. Sick people do not need to be in hospitals -- or, excuse me, in jails. They need to have treatment, and as pointed out by Senator Parker, this will lower the recidivism rate and it certainly will save our State dollars and do the right thing for those

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individuals who need the help and to get it in the right places.

So, thank you, again, Senator.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Further discussion? Seeing none, the question is, shall Senate Bill 434 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, 1 Nay, none voting Present. Senate Bill 434, having received the required constitutional majority, is declared passed. Senator Lauzen, for what purpose do you rise?

SENATOR LAUZEN:

Thank you, Madam President. The -- my intention on Senate Bill 385, as amended, was to vote No, and I'd like the record to reflect that.

PRESIDING OFFICER: (SENATOR DONAHUE)

The electronic record will. Senator Parker, on Senate Bill 335 {sic}. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 435.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

SENATOR PARKER:

Thank you, Madam President, Ladies and Gentlemen of the Senate. This also is from the Mental Health Task Force. And it addresses the concerns that pretrial detention facilities are not providing adequate mental health services. What this does is three things. Requires the Department of Corrections to establish, by rule, standards and procedures for the provision of mental health and developmental disability services to person with

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mental illness and persons with developmental disability confined in local jails or juvenile detention facilities. Provides that the Department must inspect each jail and juvenile detention facility at least once each year for compliance with these standards. They also do have some standards at this point. It does require them to go and look at some additional standards. It also requires them to convene a special task force to develop and propose additional standards for the -- delivery of mental health services and the prevention of suicides in municipal jails and lockups. Provides that they should have a report by January 15th, 2002. It also provides that whenever treatment is ordered by a court for a recipient who is confined in a county jail or other pretrial detention facility awaiting trial on criminal charges, that the clerk of the court must send a copy of the order for treatment to the counsel who represents the recipient of the treatment in a criminal proceeding. This will ensure the defense counsel has the necessary information to advise the person who is being detained of their rights and the effect of the involuntary treatment order. I would ask for an Aye vote and be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, the question is, shall Senate Bill 435 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 435, having received the required constitutional majority, is declared passed. Senator Parker, on Senate Bill 437. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 437.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

SENATOR PARKER:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Another issue that we looked into are mental health -- mental health courts. Mental health courts can be very efficient mechanisms for nonviolent persons and it can remove the nonviolent person with mental health illnesses from jails, ensuring that they get appropriate mental health services. It reduces recidivism and helps with rehospitalizations. It is similar to drug courts. What Senate Bill 437 does is provide, subject to appropriation, Department of Human Services shall establish pilot programs to provide the clinical services necessary to serve participants in mental health courts that have been established in jurisdictional circuits of this State. The U.S. Congress, in October, appropriated ten million dollars to be given throughout the country for pilots on mental health courts - hundred thousand dollars each. Actually, in the County of DuPage, they are now looking at mental health courts. I would be glad to answer any questions and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, the question is, shall Senate Bill 437 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, 1 Nay, none voting Present. Senate Bill 437, having received the required constitutional majority, is declared passed. Senator Sullivan, on Senate Bill 447. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 447.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Sullivan.

SENATOR SULLIVAN:

Thank you, Madam President. Senate Bill 447 comes to us from the Illinois Dental Society. It adds the terms "nurse" and -- "radiology" to their definition Section, and it changes the restricted facility {sic} (faculty) license from five years to two years. There is no known opposition. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, the question is, shall Senate Bill 447 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. Senate Bill 447, having received the required constitutional majority, is declared passed. Senator Rauschenberger, on Senate Bill 458. Senator Parker, on Senate Bill 471. Senator Molaro, on Senate Bill 489. Senator DeLeo, on Senate Bill 500. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 500.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeLeo.

SENATOR DeLEO:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 500 creates the Statewide Senior Citizen Victim {sic} (Victimizer) Database Act. What this will do is have the Department of State Police -- they'll construct a database

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which will have a collection of information about persons who've been arrested for committing offenses against people that are sixty years of age or over. This way all local law enforcement agencies will have access to that database. This is brought to us by Lieutenant Wayne Wiberg, of the Chicago Police Department, who handles senior victims. And this will create a statewide database and I know no opposition to this bill. And I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, the question is, shall Senate Bill 500 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 500, having received the required constitutional majority, is declared passed. Senator Clayborne, on Senate Bill 521? Senator Silverstein, on Senate Bill 557? Senator Rauschenberger, on Senate Bill 558? Senator Dillard, on Senate Bill 562? Senator Lauzen, on Senate Bill 603. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 603.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

Thank you very much, Madam President. The intention of Senate Bill 603, as amended, is to ensure that companies who receive incentives from the State taxpayers, fulfill their obligation. It creates the new State Economic Assistance Accountability Act and provides that State economic assistance includes tax credits and

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tax exemptions under economic development programs. In other words, the claw-back: If a company leaves, they have to pay back the incentives on a pro rata basis. It provides that the term does not include assistance that's given for the purpose of job training because we can't remove what's already been invested in a -- in an employee, or for the purpose of road construction or improvement - we're not going to dig up that road, or provided to units of local government because they can't give it back, or for which the federal funding -- or, the source -- funding source is the federal government. There's other provisions. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Senator Welch.

SENATOR WELCH:

Thank you, Madam President. I'd just like to stand in support of this bill. Hopefully this bill will lead to more honesty in companies when they come to Illinois and say they're going to create a dozen or ten thousand jobs. We can get some realistic figures so that we can keep some accountability as to all these promises that are made but never kept. I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Further discussion? Seeing none, the question is, shall Senate Bill 603 pass. Those in favor will vote Aye. Opposed, Nay. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. Senate Bill 603, having received the required constitutional majority, is declared passed. Senator Philip, on Senate Bill 627. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 627.

(Secretary reads title of bill)



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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Philip.

SENATOR PHILIP:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 627, as amended, amends the Illinois Vehicle Code. This amendment creates a pilot study program in three counties - DuPage, Kendall and -- Sangamon County - for two years. If a person under the age of eighteen receives a traffic ticket, the circuit clerk will notify the parents in writing. Now, I had a tragic thing happen in my -- my district for -- a wonderful couple whose son had a couple of moving violations and had two I passes on -- I-Bonds, on top of it. If they would have known that he had these traffic violations or the I-Bonds, they say they would have not allowed him to drive that car. Now, he's in a wheelchair the rest of his life. He can't speak very well. So I called around, some of my other police chiefs, to find out what they do. The Elmhurst Police Chief, they notify the parents by a telephone call, in Elmhurst, if -- if your son has a I-Bond or a traffic violation. Not everybody does that. This is a two-year program. We'll have them report back to us in two years and see if it works well, and maybe we'll look at expanding it. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Discussion? Senator Molaro.

SENATOR MOLARO:

Yes. Just -- just one comment. This is a very good idea. Maybe we should look into the pilot program, if it works. I just want to make sure that we have something that would hold harmless the clerks in case -- our -- our circuit court clerks do somehow make mistakes, and if they don't give the proper notice and something bad were to happen, that the families can't say, "Hey,

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if I'd have given notice, this wouldn't have happened", and wind up suing the court clerks for not getting the proper notice. So I'd just like to -- maybe we could take a look at that later. Otherwise, this is a very good bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Further discussion? Senator Philip.

SENATOR PHILIP:

I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall Senate Bill 627 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 627, having received the required constitutional majority, is declared passed. Senator O'Malley, on Senate Bill 636. Read the bill, Madam {sic} Secretary.

SECRETARY HARRY:

Senate Bill 636.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Bomke. No. Senator O'Malley. Excuse me.

SENATOR O'MALLEY:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 636 provides that the State Board shall, subject to appropriation, make grants of one thousand dollars per student enrolled in charter schools to pay the costs of acquiring educational materials and supplies, textbooks, furniture, other equipment, for acquiring, remodeling and maintaining a suitable physical plant. The grants are to be limited to costs during the initial term of the school. Be happy to answer any questions

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there may be. I know this was vigorously discussed in our Senate Education Committee. The amendment that was put on -- was -- provided clarifying language that any grant is subject to appropriation by the General Assembly, and further, that from that appropriation, the State Board shall make grants to charter schools not to exceed one thousand dollars per student enrolled.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Senator Obama.

SENATOR OBAMA:

Thank you, Madam President. I stand in strong support of this legislation. And I just wanted to make a few brief remarks to accompany statements that have been made by the sponsor. We've had a -- a lengthy debate, not just in this State, but in this country, about how we improve the public schools. I think we all recognize that there are a variety of ingredients that go into improving the public schools, but one of the most important things is fostering innovation within the public schools. As many of you know, in previous debates, I'm an opponent of vouchers. I'm somebody who has an extraordinarily strong commitment to public schools and making sure that the State is abiding by its commitment to fund the public schools. I support this legislation because charter schools are public schools and the students in charter schools are public school students. And unfortunately -- and one of the -- the premises of our original charter school legislation was -- is that we would be creating an experiment that would allow innovation in a laboratory for excellence within the public school system, that the lessons we learned in the charter schools could then be expanded to public schools generally. Unfortunately, we hampered them because we did not give them the full amount per pupil that other public school students were receiving in order to do the start-up and create the infrastructure that would be required to teach them. This bill

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corrects that. And I think that any of us who believe in strong public schools and believe that we have to continue to embark on this path of improving the public schools, as opposed to just gutting them, has to support this kind of legislation. I would point out that the City of Chicago and the Chicago Board of Education is supportive of this legislation. I know that charter schools throughout the area and throughout the State are promoting this legislation. And I would strongly urge that all of us get behind this modest piece of legislation that I think will take -- take us a little bit further along the road of school improvement in this State. So I would urge an Aye vote, and I congratulate Senator O'Malley for putting this bill forward.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. Will the sponsor yield for some questions?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Madam President. Just a couple of questions relative to what we're already spending on charter schools. I -- I don't know if you indicated what the average cost is or what the average charter school is receiving per student. Do you have those numbers, Senator?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley.

SENATOR O'MALLEY:

Senator, the grant element that is here now is two hundred and fifty dollars per student.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Burzynski.

SENATOR BURZYNSKI:

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But what are they receiving from the school district that they're located in?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley.

SENATOR O'MALLEY:

It -- it ranges. As -- as you remember, Senator, from the original legislation, it -- it doesn't necessarily have to be identical to what is being expended throughout the -- the school, but it -- there's a range. And generally, I believe it would be accurate to say that they are not only spending less on average, but under their charter, they've agreed to spend less.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. Just to refresh the memory of those that are on the Education Committee, as well as those that are in the Chamber: Currently, charter schools are spending, on the average, forty-nine hundred dollars per year per student that they are receiving in grants from the State, from the local school district, based on their average tuition cost. What this bill is doing is not giving start-up funds to charter schools. It's giving a continual appropriation of an additional thousand dollars per year per student for every kid in a charter school. Now, you might recall -- and that would bring the average up to about six thousand dollars per year that we're going to spend on every child in a charter school. Not a lot of money. But I have nineteen school districts in my district and nine of those districts - and I'm not exactly that far removed from the suburbs - nine of those districts spend less than six thousand dollars per year per student. So what we're doing, then, is setting up another inequity, in my opinion, relative to that. I indicated in committee that I support charter schools for a lot of different

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reasons as well. But when we passed the charter school legislation, we passed charter schools based on giving public schools flexibility for their students. We also did that because we said they could operate with less expense than public schools. Well, what I'm submitting to you is that this is going to cost more than many of our public schools are already spending per student. I would also indicate to you that we just increased the number of charter schools. So in addition to the charter schools that are already receiving money - and I don't know whether the Senator indicated the total cost of this; I've seen -- I've heard anyplace from three and a half to 5.7 million, but I'm not exactly sure what it is per year - but we just doubled the number of charter schools in Chicago, which means we're going to double the student base, which means that we're going to double the cost and these funds are coming out of the State Board of Education's, which means it's coming out of all of our general State Aid Formula. That raises some real concerns for me. I suggested in committee, or at least in Appropriation's Committee -- maybe it was in the Education Committee - Bob Leininger, who is in charge of the Governor's task force relative to education funding, that it would be appropriate for him not only to look at the way we fund public schools, but the way we fund charter schools as well, and the way we fund vocational schools or alternative education. I really believe that this bill is about a year too early, that we ought to wait, that the task force ought to come out with a recommendation that does not detract from funding for our downstate schools or any other schools relative to the average daily attendance. I would urge a strong No vote on this piece of legislation.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator del Valle.

SENATOR DEL VALLE:

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Thank you, Madam President. I would urge a Yes vote for just the exact opposite reason -- I -- I -- of some of the reasons that have been stated already, and that is, that at least this bill has us, in part, fulfilling an obligation that I think we made when we adopted charter school legislation. My concern with the initial bill was that we weren't providing the funding for -- for charter schools, that we were then putting the burden on school districts. And, Senator Burzynski, in Chicago, we are at fifteen -- we will be at fifteen charters, and the cost will be about forty million dollars. And you're absolutely correct. When that figure doubles, the number of charter schools, then, of course, we'll be at over eighty million dollars, maybe close to a hundred million dollars. That is a lot of money. The cost right now is about fifty-five hundred dollars per student in Chicago. Now, what this bill does is that it gives these charter schools some additional State dollars. We used some State dollars at the beginning for start-up, but as we move along, the local school districts has to assume full responsibility for financing these charters. And I think that's wrong. I think the State should be picking up more of the cost. It was our idea. We're the ones who established charters. Then the State ought to pay for those charters. And I'm concerned, in Chicago, that at some point, we're going to be spending almost a hundred million dollars on charters and very few of those dollars are going to be coming from the State. And that's wrong, because we have a situation in Chicago right now where local school councils are still waiting for an increase in their poverty grants - money that they are entitled to - and, yet, they're not getting an increase. They're struggling while we're kind of creating this dual system of charter schools, which is fine, particularly with those that are working well, but we do have -- and this is where I think the first test of charter schools is going to come, and that is next year when we have to

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then look at the end of a five-year period and determining -- determine what we're going to do with those underachieving charter schools. And we do have a few that are underachieving. Are we going to stick with the original intent, which is to say at the end of five years if they aren't achieving, they get cut off and the charter goes to someone else? I think that's going to be the first test. And it'll be interesting to see whether there is political manipulation of that process, because if we're going to stick to the original intent, then we've got to do it: We've got to cut those schools off and make the charter available for another group that's willing to be able -- and able to do the work. And so, I support this legislation. These charters do need this assistance. And I think it's important for us to bear in mind that this is a growing financial obligation that's being put on local school districts. And if anything, in the future, we ought to be looking for ways of providing additional State dollars, not less.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Cronin.

SENATOR CRONIN:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I rise in strong support of this bill. And, you know, people have asked, you know, "Why? Why is this so important?" "Why are you a strong supporter as a suburban legislator?" Well, let me tell you why. A few years ago we created charter schools in legislation that all of us voted on here - most all of us. And at that time, we asked people -- we said, you know, if you've got a problem, if you're unhappy with the school in your area, we're going to give you the chance. We're going to give you the opportunity. We're going to give you real and true empowerment to come together with teachers and other parents and school administrators and form your own school. Develop a charter.



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Focus on reading. Focus on the classics. Focus on the arts. But it's up to you, to your creative juices. And, you know, a lot of people listened to that offer, and there was many that accepted that offer. And there has been some wonderful experiences with charter schools in Chicago, and there's been some experiences that are not so wonderful. The beauty of charter schools is that if they're not performing, they will perish. I also want to point out that many people think that, "Gee, you know, this is a Chicago bill. This is more money for Chicago." You know, all of you, no matter where you're from or what area you represent, will have the opportunity to access the money that is in this bill. If your community, which today may not be interested in charters but tomorrow may be, if your community so decides that they want to pursue charter schools in the future, this money will be available. I would argue to you that this is money for all schools, for the opportunity for people to pursue real, real education, public school options, that will be available to all kids, all families, throughout the State of Illinois. I ask for your Yes vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Burzynski, for a second time.

SENATOR BURZYNSKI:

Thank you. And I apologize for rising for a second time; however, I did have another question. Senator, is there anything in the bill that mandates the use of this thousand-dollar stipend annually, for now and forever, towards the use of buildings and maintenance, or can it also be used for the educational expenses?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley.

SENATOR O'MALLEY:

Senator, I believe it is allowed for all those categories. Under the existing law, it is limited to operations, but this will

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expand it to allow it to be used for facilities.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. Well, you know, the comments I've heard from the charter schools, the people that have come to my office, is they need it for their buildings or whatever. Maybe there's another way to address some of that need, and maybe we can find funds in other areas of the State's budget. Tuesday night we had the opportunity to sit in Appropriation's Committee and hear about another fantastic school and educational system we have in the State called the Illinois Math and Science Academy. Now, the Illinois Math and Science Academy spends about twenty-three, twenty-four thousand dollars a year per student. But among that -- number of twenty-three or twenty-four thousand dollars a year, they indicated to us they spent about five thousand dollars per year per student for outreach. Now, I'm not sure we got a definition of what "outreach" means, but perhaps if we're looking, we can look at our appropriations process and find five thousand dollars a year from IMSA that might help fund some of these projects, at least relative to charter schools.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Further discussion? Senator O'Malley, to close.

SENATOR O'MALLEY:

Again, thank you very much. This has been a -- I think it's always informational, especially in legislation like this, that we take some time and -- and reflect on it. I've heard a lot of good comments today, and -- and Senator Burzynski I have a great deal of respect and admiration for, so his opinion means a lot to me. However, I think we have reason to -- different conclusions as to the merits of this legislation. And I -- you know, I -- I

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think some -- some of the previous speakers have said this is public education. And it is public education that's available everywhere in the State of Illinois. One of the reasons it's not prospered in other parts of the State, perhaps not the only reason, but one of the reasons is that the ability to deal with your facility needs has not been there. Additionally, I want to say that the averages that were used to -- to describe the cost of -- of operating schools are heavily weighted up into the northeastern part of Illinois, because that's where most of the charters have been formed to date. This is an opportunity for us to encourage the development of charter schools in other parts of the State, and certainly in Chicago, where we've authorized an additional fifteen with -- well, we haven't -- we've authorized it here in the Senate. But should that become law, it will allow it to be done in Chicago more than it already has been. I would seek your support. I think we've had a -- a helpful discussion about this legislation, and I hope that we can continue that discussion in the House of Representatives. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall Senate Bill 636 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 35 Ayes, 21 Nays, 1 voting Present. Senate Bill 636, having received the required constitutional majority, is declared passed.

PRESIDING OFFICER: (SENATOR KARPIEL)

Middle of page 7. Senate Bill 653. Senator Lauzen. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 653.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Lauzen.

SENATOR LAUZEN:

...much, Madam President. This bill, Senate Bill 653, regarding vicious and dangerous dogs, is actually in response to the cases like the death of Diane Whipple in San Francisco, the little boy in St. Louis that was fed upon by a pack of dogs in the park -- in a neighborhood park, and then I've heard Senator Bomke describe other incidents in the Central Illinois area. It provides that if a dog is found to be dangerous, the dog must be both muzzled and leashed whenever it's on the street, sidewalk, or other place -- public place or grounds; that if the owner of the dangerous dog fails to keep the dog muzzled and the dog attacks another person, the owner is guilty of a Class 4 felony. It also provides that if an owner of a dog subject to enclosure, which is the definition of a vicious dog, fails to keep the dog enclosed and the dog attacks a person, the owner is guilty of a Class 4 felony. A third provision is if vicious dog is impounded, it must either be spayed or neutered within thirty days at the owner's expense. I'm not aware of any opposition. I'd ask for an Aye vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Madam President. I'd like for the record to indicate on 636 I'd planned to vote No, and I voted Yes while I was visiting with my Chicago friends. And I'd like the record to so...

PRESIDING OFFICER: (SENATOR KARPIEL)

The record will reflect that. Senator Trotter.

SENATOR TROTTER:

Will the sponsor yield?

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PRESIDING OFFICER: (SENATOR KARPIEL)

Indicates he will.

SENATOR TROTTER:

Senator Lauzen, what do you call a -- a vicious dog? I mean, all dogs have teeth, so all dogs certainly can bite. So when do they become a vicious...

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Lauzen.

SENATOR LAUZEN:

We're not changing the current definition of a vicious dog, but to give you the answer of what that definition is: A vicious dog is a dog that when unprovoked inflicts bites or attacks a human being or other animal on public or private property.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? If not, Senator Lauzen, to close. The question is, shall Senate Bill 653 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On this question, there are 54 voting Aye, none voting Nay, none voting Present. And Senate Bill 653, having received the required constitutional majority, is declared passed. Senate Bill 721. Senator Cullerton? Senator 722 -- Senate Bill 722. Senator Cronin. On the top of page 8, Senate Bill 725. Senator Clayborne. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 725.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Madam President. Senate Bill 725 is an initiative

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of the Secretary of State, Jesse White. And basically, this bill amends the Business Corporations Act, the General Not For Profit Corporation Act, the Limited Liability Company Act, the Uniform Partnership Act, the Revised Uniform Limited Partnership Act, and the Uniform Commercial Code. This bill is significantly designed to ease compliance with the various Acts, enhances the Secretary of State's ability to serve the public and accommodate recent technological advances. This is done by permitting the Department of Business Services to offer expedited services under all four of these Acts through electronically filing of documents in the Chicago Office of the Secretary of State, simplifying the requirements for the completion of the various forms to be filled out with the Department -- to be filed with the Department, making technical changes with -- which will ease compliance with the statutes, as well as their administrative applications. There's a significant number of changes. If there are any questions, I'll be more than happy to answer them. But I ask for your favorable vote. To my knowledge, there's no opposition to this bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, the question is, shall Senate Bill 725 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On this question, there are 57 voting Aye, none voting Nay, none voting Present. And Senate Bill 725, having received the required constitutional majority, is declared passed. Senate Bill 729. Senator Roskam. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 729.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

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Senator Roskam.

SENATOR ROSKAM:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 729 is an initiative of the IMA and is supported by John Deere and Company. What it does is a couple things. Number one, currently the income tax credit allowable for R & D expenses is equal to six and a half percent of the increase in expenses over the average of the three immediately preceding years. That's scheduled to sunset December 31st, the year 2004. What we're doing is we're extending the sunset another five years to the year 2009. More importantly, we're creating an alternative formula for calculating the credit, which is modeled after a federal formula. So, in other words, a company would now have an option to use the federal formula, which is -- well, which mirrors the federal R & D tax credits, or use the current proposal. For the benefit of those who will have the inquiry later on in our conversation, last year the R & D tax credit quote cost the State 32.6 million dollars. So it all depends on what your perspective is on these things, but I think you can take it at face value that it is what it is. It has bipartisan support with Senator Jacobs and others. And I'll do my best to answer any questions.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? Senator Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR KARPIEL)

He indicates he'll yield.

SENATOR WELCH:

If the tax credit last year was thirty-two million dollars, what's the projected tax credit with this change?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Roskam.

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SENATOR ROSKAM:

Senator, the Illinois Economic and Fiscal Commission isn't able to come up with a substantive number because they say the underlying premise of the -- it's too much of a moving target. We asked; they didn't have the answer.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Welch.

SENATOR WELCH:

Can you tell me how many jobs were created by the existing credit that cost us thirty-two million dollars? Do you have any figures on that?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Roskam.

SENATOR ROSKAM:

No, Senator, I don't. I was sort of trying to head you off by offering those comments in my opening remarks. But I don't. It -- it -- I think it comes down to largely a philosophical question. A lot of these things you can't track. You either like these types of bills or you don't like 'em. You think they create an incentive or you don't. I -- I think, intuitively, that they do create an incentive for companies, but I understand that it's -- that is arguably largely anecdotal. So I -- I'm not going to pump sunshine.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Welch.

SENATOR WELCH:

You're not going to pump what? What was that one?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Roskam.

SENATOR ROSKAM:

Sunshine.

PRESIDING OFFICER: (SENATOR KARPIEL)



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Senator Welch.

SENATOR WELCH:

Never heard that one. But -- but I will use it. On that committee -- when I was on that committee, we also had the single factor sales tax come through that was going to create - what was it? - five hundred thousand jobs, I believe, and this one's going to create tens of thousands of jobs, but we never really get a specific amount of jobs that are created, or -- or somebody pointing to where the jobs are created. That's why I -- I just wondered. And I notice on -- on my list that the teachers' unions are opposed to this, as well as - see if I can find it here - as well as some other groups. Let's see, what does it say? It says, the Department of Revenue, the IEA, IFT, School Management Alliance and the IML - Illinois Municipal League. That's who that is. It's kind of odd that the Municipal League is against it if -- because they are always pushing for an expansion of -- of incentives to bring in business. So, could you maybe explain why the Municipal League is opposed to it?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Roskam.

SENATOR ROSKAM:

Senator, my hunch would be that any -- anything that they would perceive as cutting into a potential base of underlying funding is probably their -- their philosophical reason against it. I will say that the -- I mentioned the IMA is a proponent. The Illinois Chamber is a proponent, Deere and Company and also the St. Louis Regional Chamber.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? If not, the question is, shall Senate Bill 729 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary.

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On that question, there is 49 voting Aye, none -- 4 voting Nay, none voting Present. And Senate Bill 729, having received the required constitutional majority, is declared passed. Senate Bill 735. Senator Bomke. There's a request to -- leave -- leave to return to Senate Bill 750. Leave is granted. Senate Bill 753. Senator Philip. Senate Bill 759. Senator Burzynski. Senate Bill 796. Senator Lauzen. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 796.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Madam President. Senate Bill 796 eliminates the unemployment insurance fund building surcharge. In the early 1980s when the Illinois system was in debt, the Legislature placed a four-tenths of one cent surcharge on all employers' tax bills. Since that time, the debt has been erased and employers have paid 2.1 billion in taxes, above and beyond, nearly twenty year's worth of unemployment insurance benefits. The fund building surcharge has more than accomplished its goal and should be repealed. Even this modest tax relief will lead to more investment in the economy and send a message that Illinois is serious about maintaining a business climate that encourages economic growth and job creation.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? Senator Clayborne.

SENATOR CLAYBORNE:

Madam President, would the sponsor yield?

PRESIDING OFFICER: (SENATOR KARPIEL)

He indicates he will.

SENATOR CLAYBORNE:

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Senator Lauzen, we were -- in committee, we passed this out for further discussions and my -- my understanding that there have not been any further discussions. Is that correct?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Lauzen.

SENATOR LAUZEN:

There -- there have been discussions, but we haven't been able to come to any agreement on mutual agreed-on compromises.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Clayborne.

SENATOR CLAYBORNE:

Well, I have a series of questions I'd like to -- to -- for the sponsor to answer. Does this eliminate the fund building rate component of the UI tax equation?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Lauzen.

SENATOR LAUZEN:

Yes.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Clayborne.

SENATOR CLAYBORNE:

And what does that do to the component?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Lauzen.

SENATOR LAUZEN:

...to the what?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Clayborne.

SENATOR CLAYBORNE:

Yes. What does that do to the equation?

SENATOR LAUZEN:

The savings to the Illinois economy, if -- if I understand

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your question, will be approximately a hundred and fifty million dollars.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Clayborne.

SENATOR CLAYBORNE:

Is it possible that the tax rates could go higher for those employers that are currently paying the highest UI taxes if that -- if that equation is eliminated?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Lauzen.

SENATOR LAUZEN:

I believe, no.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Clayborne.

SENATOR CLAYBORNE:

And what is your belief based upon, Senator Lauzen?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Lauzen.

SENATOR LAUZEN:

Actually I -- I -- you know, because of what I do, I've filled out literally thousands of UC-3s, which are the unemployment insurance. Basically, this is an additional amount -- as I explained in the opening comments, this is an additional amount that was first imposed to correct a problem. That problem is now gone. We've overpaid our taxes, and it has no -- actually, it would be across-the-board savings for all people providing employment in Illinois. It's just that portion of the equation would drop out.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Clayborne.

SENATOR CLAYBORNE:

Madam President, I'd like to end with -- with a comment. You

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know, obviously today, and -- and since I've been here this morning today, we've voted on a significant number of bills where we've come in and -- and basically through the -- through the passage of these bills, we've admitted that we've made some mistakes and that we need to correct them. And obviously, I think that's what Senator Lauzen's trying to do. However, you know, when we're dealing with unemployment and -- and people who lose their jobs because we've given these enormous tax increases and these tax benefits and -- and tax credits, and then they let -- let three thousand people go and they're depending on unemployment, I don't think this is the time in which we should be jeopardizing that fund, regardless of where it is funded, because we don't know the impact that may occur and the need for those funds. But it is clear today that we've made substantial changes, in talking about the tax caps, in talking about charter schools and other bills. And I think that we should be very cautious and let the employees know that if they are laid off due to no fault of their own, then -- then this fund should be sufficient to make sure that they can continue to meet their obligations and take care of their families. I urge a No vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Welch.

SENATOR WELCH:

Madam President, you know, there's an old saying that those who don't learn the lessons of history are doomed to repeat them. That's where we are with this bill. Those of us who served in the Legislature in the early eighties had to come up with a solution to make up for all the debt that the Unemployment Insurance Fund got into. Now we're saying, oh, it's -- we're having good times. Stock market has been up. It's going downhill. The economy's going good. It's going downhill. Now we're going to give money back from this fund. You know, we had the same argument about six

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years ago and what happened was, there weren't very many jobs created. It's another one of those systems where you give the money out or you give a tax break out and nobody ever takes account of whether jobs are created. It's a pie-in-the-sky theory: Just give the money back; jobs will be created. You know, a lot of us on this side of the aisle and that side of the aisle had been talking about supporting a "rainy day fund" for the State of Illinois. Well, that's what this is. This is the ultimate rainy day fund. People who lose their jobs get unemployment insurance. We make sure that they have it. You know, if you look what happens in other states, this is a chart of all fifty states in the union. You can see these are the highest states here. Here is where we are. We're way down here. We have some of the least amount of money in our fund of any state in the country. And our State is a "rust belt state", that when people become unemployed, it's harder to get them back to work again. We are not a state that goes up and down with the economy in -- in tow with the way the national economy goes. We're a slow-reacting state, because it's a rust belt state. These jobs are hard to bring back. So, to me, it would be a mistake to give this break away. It's not hurting anybody to keep that money where it is. We should leave it there and move on. Thank you.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Jacobs. Senator Hendon.

SENATOR HENDON:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR KARPIEL)

He indicates he will.

SENATOR HENDON:

Senator Lauzen, I understand what you're trying to do. I disagree with it, of course. We've talked about it before. My question is, what would happen if we -- we pass this and there's a

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downturn in the economy and fewer businesses are putting into the fund? Will we be looking at the situation that we had previously where there's a possibility that we could bankrupt the fund once again?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Lauzen.

SENATOR LAUZEN:

You -- Senator, I -- first of all, I appreciate the concern, because no one wants us to have -- we -- we all want to have a reserve in place. I remember that question being asked -- actually the statement was more -- made that -- actually, when we decreased the unemployment insurance rates by sixteen percent about four or five years ago, the -- the accusation at that time was that we were going to bankrupt the rate. What we have in place now in the system that wasn't in place back when Senator Welch was talking about it, is that we have ways of modeling what's going to happen in the future, as far as the Trust Fund balance. We also have trigger points, automatic trigger points, that if we hit a certain level, then employers have to pay more just to avoid that kind of circumstance. So we have better modeling and planning ahead, plus we have automatic trigger points that -- that create a need then for employers to put more in. So, you know, we're all concerned that we have an adequate reserve, but when we overpay our taxes, any of us, we expect to get the money back, and this is a small portion - about a hundred and fifty million dollars of two billion dollars - that's sitting out, not helping our Illinois economy or any of our workers.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Hendon.

SENATOR HENDON:

Thank you, Madam President. One final thing: I had a -- a bill before the same committee that would tap into this fund and

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help parents who just had a child, working parents, and you -- you did not support that. So my question is: If we can do this for employers, why couldn't we do also something to help the employees?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator -- is that a question, Senator? Senator Lauzen.

SENATOR LAUZEN:

Thank you very much. And -- and certainly I appreciate what you're trying to do on that concept. But I would like to point out that during the same period that employers have paid more than half a billion dollars more in taxes than needed to pay benefits, employees, labor, have seen benefit levels increase each and every year, according to the schedule that takes it from an average benefit of two hundred and thirteen dollars and twenty-four cents in '96, to a projected two hundred and sixty-six dollars in -- two hundred and sixty-seven dollars in 2001. So there have been benefit increases for those who are receiving unemployment benefits.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Madam President, Ladies and Gentlemen of the Senate, by supplying employers, we are providing them necessity to have employees.

PRESIDING OFFICER: (SENATOR KARPIEL)

All right. If no further discussion, Senator Lauzen, to close.

SENATOR LAUZEN:

Thank you, Madam President. I certainly respect various people's concern. We're all properly concerned about having appropriate reserves set aside. But I'd like to take a look at it from a different perspective as we go to vote on this. We all



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support employment in Illinois and small business, and today is a day when -- when employment -- those who provide employment are asking us, "Show me the money." I think that we can do something now to pump some money and capital back into the Illinois economy rather than moaning any downturns in the economy later on. I'd just ask for an Aye vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

The question is, shall Senate Bill 796 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On this question, there are 32 voting Aye, 25 voting Nay, none voting Present. And Senate Bill 796, having received the required constitutional majority, is declared passed. Senate Bill 797. Senator Lauzen. Read the bill, Mr. Secretary. I'm sorry. Senator Hendon. Senator Welch.

SENATOR WELCH:

I would just ask for a verification on the last roll call.

PRESIDING OFFICER: (SENATOR KARPIEL)

The verification's in order. Senator Welch has requested a verification. Will all Senators be in their seats? The Secretary will read the affirmative votes.

SECRETARY HARRY:

Following Members voted in the affirmative: Bomke, Burzynski, Cronin, Dillard, Donahue, Dudycz, Geo-Karis, Hawkinson, Wendell Jones, Karpiel, Klemm, Lauzen, Luechtefeld, Robert Madigan, Mahar, Myers, Noland, O'Daniel, O'Malley, Parker, Peterson, Petka, Radogno, Rauschenberger, Sieben, Sullivan, Syverson, Thomas Walsh, Watson, Weaver, and Mr. President.

PRESIDING OFFICER: (SENATOR KARPIEL)

Does Senator -- Senator Welch question the presence of any Member voting in the affirmative?

SENATOR WELCH:

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Senator Mahar.

PRESIDING OFFICER: (SENATOR KARPIEL)

Is Senator Mahar in the Chamber? Senator Mahar? Is Senator Mahar in the Chamber? Senator Mahar is in the center aisle.

SENATOR WELCH:

We give up.

PRESIDING OFFICER: (SENATOR KARPIEL)

On a verified roll call, the Ayes are 32, the Nays are 25, there's none voting Present. And Senate Bill 796, having received the required constitutional majority, is declared passed. Senate Bill 797. Senator Lauzen. Read -- read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 797.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Madam President. Members of the Senate, the intention of Senate Bill 797, as amended, is to address sweepstake mailings -- sweepstakes mailings where the sponsor promises the world. It provides that no sponsor may require a person in this State to pay the sponsor money as a condition of awarding the person a prize or as a condition of allowing the person to receive, use, compete for, or obtain information about a prize. It requires that written promotional offers contain the following disclosures: the true name and address of the sponsor, the retail value of each prize, the statement that no purchase is necessary to enter, a statement of a person's odds of receiving each prize identified, and then other considerations. This is Cook County State's Attorney language. No known opposition.

PRESIDING OFFICER: (SENATOR KARPIEL)

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Any discussion? If not, the question is, shall Senate Bill 797 pass. All those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On this question, there are 56 voting Aye, none voting Nay, none voting Present. And Senate Bill 797, having received the constitutional majority, is declared passed. Senate Bill 832. Senator Rauschenberger? Oh, then -- Senate Bill 921. Senator Lauzen. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 921.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Madam President. Senate Bill 921 permits CMS and Higher Education to use new technology in the procurement process by holding on-line, real-time bidding events. Currently, competitors from our State business -- for our State business submit sealed bids without any information on their competition or any chance to respond to their competition. This is, in effect, Internet reverse auctions, and it's permissive. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any questions? Any discussion? If not, the question is, shall Senate Bill 921 pass. All those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On this question, there are 55 voting Aye, none voting Nay, none voting Present. And Senate Bill 921, having received the required constitutional majority, is declared passed.

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We'll stand at ease for just a few minutes for Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures have been assigned: Referred to the Committee on Environment and Energy - Senate Amendment 3 to Senate Bill 372; to the Committee on Executive - Senate Joint Resolution 21; re-referred from Executive to the Rules Committee - Senate Joint Resolution 21; and Be Approved for Consideration - Senate Joint Resolution 21, Senate Amendment 2 to Senate Bill 721, and Amendment 4 to Senate Bill 1497.

PRESIDING OFFICER: (SENATOR KARPIEL)

On the bottom of page 8 is Senate Bill 944. Senator Madigan, Robert Madigan. On the top of page 9, we have Senate Bill 960. Senator Thomas Walsh. Senate Bill 970. Senator Sullivan. Senate Bill 991. Senator Viverito. Senate Bill 993. Senator Philip? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 993.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Philip.

SENATOR PHILIP:

Thank -- thank you, Madam President, Ladies and Gentlemen of the Senate. This -- Senate Bill 993 is a technical amendment, and what it does, it -- it defines what the circuit clerks can charge for interest. It's simple interest. It clears -- it clears the air and makes it specific. This has been a compromise between the Department of Revenue and the Circuit Clerks Association. I know of no opposition. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, the question is, shall Senate Bill

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993 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On this question, there are 56 voting Aye, none voting Nay, none voting Present. And Senate Bill 993, having received the required constitutional majority, is declared passed. Senator Sullivan, for what purpose do you rise?

SENATOR SULLIVAN:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR KARPIEL)

Please state your point.

SENATOR SULLIVAN:

Madam President and Members of the Senate, if you could join me in welcoming the seventh graders from my grade school alma mater, from St. Paul of the Cross School in Park Ridge, in the President's Gallery.

PRESIDING OFFICER: (SENATOR KARPIEL)

Welcome to Springfield. Senate Bill 1011. Senator Hawkinson? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1011.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Madam President. This is a shell bill that we want to keep moving. We have an issue brought to us by the City of Chicago and Senator Silverstein that we hope we can reach agreement on. Nothing else will go on it. And if we can't reach agreement, it has to come back to our committee anyway. So we'd like to pass this over to the House.

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PRESIDING OFFICER: (SENATOR KARPIEL)

Any -- any discussion? Senator Silverstein.

SENATOR SILVERSTEIN:

Thank you, Madam President. I want to personally thank Senator Hawkinson for his help on this bill. It was a little hairy, but I want to thank him personally and publicly. Thank you.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any further discussion? If not, the question is, shall Senate Bill 1011 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On this question, there are 56 voting Aye, none voting Nay, none voting Present. And Senate Bill 1011, having received the required constitutional majority, is declared passed. Senate Bill 1012. Senator Hawkinson? Senate Bill 1032. Senator Philip. Senate Bill... Senate Bill 1069. Senator Noland. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1069.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Noland.

SENATOR NOLAND:

Thank you, Madam President. This is a vehicle bill. We're trying to work out some disagreements between the various dry cleaning groups. So I'd appreciate your support in sending this bill to the House so we can reach an agreement. Thank you.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, the question is, shall Senate Bill 1069 pass. Those in favor will vote Aye. Opposed, vote Nay. The

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voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On this question, there are 53 voting Aye, none voting Nay, none voting Present. And Senate Bill 1069, having received the required constitutional majority, is declared passed. Senate Bill 1107. Senator Klemm? Senate Bill 1168. Senator Philip. Senate Bill 1169. Senator Philip. Senate Bill 1182. Senator Weaver. At the request of the sponsor, we will skip 1182 all the way through 1189. Senate Bill 1190. Senator Cronin. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1190.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Cronin.

SENATOR CRONIN:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Right now this bill is -- is a -- just makes a technical change. It's a -- it's a vehicle bill that would be used in the event that there is an agreement on the new structure of the State Board of Education. I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? Senator Lisa Madigan.

SENATOR L. MADIGAN:

Thank you, Madam President. As indicated in some of these analyses, the Members on the Democratic side are opposed to moving this vehicle. We do not know what language is going to be inserted in here and there are some serious concerns about what is going to be changed over at the State Board of Education. So we would like to reserve our right on that. Thanks.

PRESIDING OFFICER: (SENATOR KARPIEL)

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Further discussion? Senator Cronin, to close.

SENATOR CRONIN:

Yes. I would urge all my colleagues to support this. This is sort of an administration initiative. There's negotiations going on, and we want to help reorganize the State of Board -- State Board of Education and make it a -- a better, more responsive, more efficient operation and that's what the bill will ultimately do. Ask for your favorable vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

The question is, shall Senate Bill 1190 pass. All those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On this question, there are 32 voting Aye, 17 voting Nay, 7 voting Present. And Senate Bill 1190, having received the required constitutional majority, is declared passed. Okay. We have -- we have some shell bills which -- Senator Welch, for what purpose do you rise?

SENATOR WELCH:

We'd like a verification. Actually, what we'd like to do is verify Senator Demuzio off, is what we'd like to do. Is...

PRESIDING OFFICER: (SENATOR KARPIEL)

Would you like to do that?

SENATOR WELCH:

Can we -- can I make that motion to verify him off the bill?

PRESIDING OFFICER: (SENATOR KARPIEL)

I think it's a little late.

SENATOR WELCH:

...we have to go through the -- well, then, we'd ask for a verification of the vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

Okay. Of the affirmative or the negative? Senator Welch has requested a verification. Will all Senators be in their seats?



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The Secretary will read the affirmative votes.

SECRETARY HARRY:

The following voted in the affirmative: Burzynski, Cronin, Demuzio, Dillard, Donahue, Dudycz, Geo-Karis, Hawkinson, Emil Jones, Wendell Jones, Karpiel, Klemm, Luechtefeld, Robert Madigan, Mahar, Myers, Noland, O'Malley, Parker, Peterson, Petka, Radogno, Rauschenberger, Sieben, Sullivan, Syverson, Thomas Walsh, Watson, Weaver, and Mr. President.

PRESIDING OFFICER: (SENATOR KARPIEL)

Does Senator Welch question the presence of any Member voting in the affirmative?

SENATOR WELCH:

Senator Demuzio.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Demuzio. Senator Demuzio? Senator Demuzio. Mr. Secretary, strike his name.

SENATOR WELCH:

Senator Syverson.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Syverson.

SENATOR WELCH:

Senator Weaver.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Weaver? Senator Weaver is right here in front of the Chamber.

SENATOR WELCH:

Senator -- is Senator Philip negotiating or he just off the Floor?

PRESIDING OFFICER: (SENATOR KARPIEL)

We don't -- we never question Leaders.

SENATOR WELCH:

Well, we'll talk about that. That's not exactly -- that's not

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exactly the case. I think that's it. Sorry.

PRESIDING OFFICER: (SENATOR KARPIEL)

On a verified roll call, the Ayes are 31, the Nays are 17, and 7 Present. And Senate Bill 1190, having received the required constitutional majority, is declared passed. Senate Bill 1192. Senator Parker. Senate Bill 1193. Senator Philip. Senate Bill 1194. Senator Parker. The sponsor requests to hold 1195 through 1206. So we are down toward the bottom of page 10. Senate Bill 1207. Senator Dillard. Senate Bill 1208. Senator Rauschenberger. The top of page 11, Senate Bill 1211. Senator Thomas Walsh. Senate Bill 1215. Senator Philip. Senate Bill 1216. Senator Peterson. Senate Bill 1217. (12)18. (12)19. Senate Bill 1220. Senator Dillard. Senate Bill 1221. Senator Dillard. Senate Bill 1222. (12)23. Senate Bill 1226. Senator Burzynski. Senate Bill 1227. (12)29. And (12)30. And (12)31. Senator Burzynski. Senate Bill 1232. Senator Peterson. Senate Bill 1233. Senator Hawkinson. Senate Bill 1241. Senator Cronin. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1241.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Cronin.

SENATOR CRONIN:

Thank you, Madam President. Senate Bill 1241 provides that the State Board -- forgive me, provides that the Illinois Educational Labor Relations Board shall certify bargaining representatives' elections within six working days after that election, instead of the current law which provides that it must be certified in five days. It's needed to make certification possible within the parameters set up for contesting election

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results. I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, the question is, shall Senate Bill 1241 pass. Those in favor will vote Aye. The opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On this question, there are 57 voting Aye, none voting Nay, none voting Present. And Senate Bill 1241, having received the required constitutional majority, is declared passed. Senate Bill 1244. Senator Madigan. 1245. 1246. On page 12, Senate Bill 1247. (12)48. Senator Madigan. Senate Bill 1249. Senator Petka. Senate Bill 1250. Senator Philip. Senate Bill 1251. Senator Madigan. (12)52. Senate Bill 1253. Senator Thomas Walsh. Senate Bill 1254. Senator Lauzen. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1254.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Madam President. Senate Bill 1254 is the "Baby AIDS" bill. Unfortunately, in Illinois, fifty newborn babies have been born with HIV infection over the past five years. Children's Memorial Hospital, the Illinois State Medical Society and United Health Care have collaborated to launch a massive educational campaign to all prenatal care providers in Illinois to call their attention to the importance of routine prenatal HIV testing. Senate Bill 1254, as amended, reenforces their effort by -- by ensuring that this test will be covered in commercial managed care plans. It's already covered by Medicaid. This legislation is

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consistent with revised and strengthened recommendations that have been issued by the American College of Obstetricians and Gynecologists and the American Academy of Pediatrics, the Institute of Medicine and, most recently, the Centers for Disease Control and Prevention. The reason that national health recommendations have been revised is because many children continue to be born with HIV when this could have been avoided. If a pregnant woman -- if pregnant women are routinely tested for HIV and administered antiviral drugs if they test positive, treatment reduces transmission by eighty to ninety percent. I would appreciate your support.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, the question is, shall Senate Bill 1254 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On this question, there are 57 voting Aye, none voting Nay, none voting Present. And Senate Bill 1254, having received the required constitutional majority, is declared passed. Senate Bill 1255. Senator Robert Madigan. 1256. Senate Bill 1257. Senator Dillard. Senate Bill 1258. Senator Klemm. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1258.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Klemm.

SENATOR KLEMM:

Thank you, Madam President. 1258 amends the Code of Civil Procedure and what we'll use it for is in case there are any quick-take bills that do come before the Senate Executive

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Committee, this will be the vehicle to be used. So there's nothing on it right now, but I do ask for your support to keep the bill alive.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, the question is, shall Senate Bill 1258 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On this question, there are 49 voting Aye, 4 voting Nay, 1 voting Present. And Senate Bill -- 1258, having received the required constitutional majority, is declared passed. Senate Bill 1259. Senate Bill 1260. 1261. 1262. 1263. 1264. (12)65. 1267. Senate Bill 1268. Senate Bill 1269. Senator Klemm. Senate Bill 1270. Senate Bill 1272. Senate Bill 1273. Senator Cronin. Senate Bill 1274. 1278. 1279. 1299. Senator -- 1299. Senator Burzynski. Senator -- 1299. Senate Bill 1309. Senator Sieben. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1309.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Sieben.

SENATOR SIEBEN:

Thank you, Madam -- President. This legislation creates the No Telemarketing Sales Call(s) Statewide Registry Act -- administered by the Illinois Commerce Commission. I think many Americans have experienced this, that unwanted sales call at dinnertime that disrupts your family and most people hate 'em, and I think an awful lot of Americans consider these unsolicited calls to be a nuisance and an invasion of privacy. This is the -- Senate version of -- of what we want to do with the registry. There is a

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-- a corresponding House bill that's been in the works, and there's been a lot of negotiation on these. But, essentially, what this would do would be to prohibit telemarketers from making unsolicited telemarketing sales calls to any customer more than forty-five days after the customer's telephone number appears on the registry. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? Senator Cronin.

SENATOR CRONIN:

Thank you, Madam President. Just a quick question and comment. This is a great bill. I'm delighted to be a cosponsor of it. My only question is, how will this be enforced?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Sieben.

SENATOR SIEBEN:

The Commerce Commission will have the enforcement policy, and if a consumer complains to them that their name was on the registry and they were called, the Commerce Commission will have the ability to assess penalties under this legislation not to exceed twenty-five hundred dollars.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Peterson.

SENATOR PETERSON:

Thank you, Madam President. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR KARPIEL)

Indicates he will.

SENATOR PETERSON:

Senator Sieben, if this bill goes into effect, would that prohibit me from calling people at dinnertime and encouraging them to vote for my reelection?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Sieben.

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SENATOR SIEBEN:

No, it would not.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? If not, Senator Sieben, to close.

SENATOR SIEBEN:

Would ask for your Aye vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

The question is, shall Senate Bill 1309 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On this question, there are 57 voting Aye, none voting Nay, none voting Present. And Senate Bill 1309, having received the required constitutional majority, is declared passed. Senate Bill 1320. Senator Dillard. Senate Bill 1331. Senator Cronin. Senate Bill 1340. Senator Robert Madigan. Senate Bill 1341. Senator Radogno. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1341.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Radogno.

SENATOR RADOGNO:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 1341 deals with insurance coverage for the mentally ill. This is not a new issue. As you may know, House Bill 111 has been passed over from the House on several occasions. I think that all of us have a great deal of compassion for those that suffer with mental illness, but, at the same time, there has been some legitimate concerns expressed about the cost of mental health parity and what that might do to insurance coverage in our

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states, the concern being that with mandates, we raise the cost of insurance and cause businesses to drop it altogether. Senate Bill 1341 attempts to address both the need for equitable coverage for serious mental illness, as well as the concerns that we've heard about costs. It takes an approach that's been taken in many states by requiring that coverage for serious biologically based mental illness, and it lists those illnesses in the bill: specifically, schizophrenia, paranoid and other psychotic disorders, bipolar disorders, major depressive disorders, schizoaffective disorders, pervasive developmental disorders, obsessive-compulsive disorders, depression in childhood and adolescence, and panic disorder. It does not cover neurotic disorders, situational adjustment reactions, relationship problems or the like. It does require the same caps, copays and deductibles as any other illnesses that are covered by an insurance policy. It also -- it -- it covers only those illnesses that, at this point in time, are -- are -- irrefutably biologically based. And it further attempts to address the cost concerns expressed by excluding employers with under fifty employees. The bill would sunset in four years and require the Department of Insurance to provide a study of what our experience has been in this State. I'd be happy to try to address any questions.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? Senator Donahue.

SENATOR DONAHUE:

Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR KARPIEL)

She indicates she'll yield.

SENATOR DONAHUE:

How are -- I see -- you indicated in your opening comments that employers with fifty or fewer employees are exempted from the



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-- the mandate. How are employers that are self-insured affected by this legislation?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Radogno.

SENATOR RADOGNO:

Well, as you know, those that are covered under ERISA we do not have the ability to regulate. So this would cover probably the more medium-size businesses that are not self-insured.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Syverson.

SENATOR SYVERSON:

Thank you, Madam President. Just a question to kind of follow up on Senator Donahue. I need -- I need to make sure. So groups that are -- employers that have employees under age fifty -- or under -- excuse me, under fifty employees are excluded, and then all the large groups, those that are partially or fully self-funded, are also excluded from this legislation?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Radogno.

SENATOR RADOGNO:

Yes. Self-insured and fifty and fewer employees are excluded.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Syverson.

SENATOR SYVERSON:

How many people does that leave left? Or, under this, do we know what percentage of the population will end up being covered under this legislation?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Radogno.

SENATOR RADOGNO:

You know, I did -- that -- that was raised, and I don't believe I have that number with me, although I can get it to you.

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It is not an insignificant number of people, and I believe it still represents a step in the right direction on this issue.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Syverson.

SENATOR SYVERSON:

I don't have a copy of the legislation right here in front of me. Does this also cover individual policies?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Radogno.

SENATOR RADOGNO:

No, it covers only group policies.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Syverson.

SENATOR SYVERSON:

Okay. So I'm -- my concern is sometimes when we pass mandates, that individuals, when they hear about this, they think that it's going to cover them, but -- so we're going to be excluding individual policies, we're going to be excluding all the small employers, and we're going to be excluding all the large employers. And so we're -- this -- this new mandate's going to affect a small number of medium-sized employees -- groups with employees. Is that going to create any kind of a -- any kind of a conflict because of employees or individuals thinking that they now have this expanded coverage, but it's only really going to affect a very narrow group of -- of employees in -- in this State?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Radogno.

SENATOR RADOGNO:

Well, you know, because of the complexities of the insurance industry, we have that situation now. Other mandates the State passes have that same situation, but I guess that -- that I think this is a fair thing to do. This approach is reasonable, and it

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certainly is better than doing nothing at all, at this point in time.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Halvorson.

SENATOR HALVORSON:

Thank you, Madam President. I guess I'm a little confused here. I'm really bothered by the fact that now we've eliminated the independent -- the individuals, the self-insureds, the fifty or less. So we've got that. And now we've also taken out the State employees, the HMOs, the PPOs. We've already discussed that it really doesn't cover anybody but the medium, middle of the road. You know, this is such an important bill. Is -- is it the reason we've taken these people out is because they're the ones that have been here and argued to make sure that they didn't have to take care of our most vulnerable citizens and be proactive? Senator Radogno, what -- was there nobody to talk for the medium insurance companies?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Radogno.

SENATOR RADOGNO:

No, not at all. We had extensive discussions with the business community, and I think that this approach is better than going nowhere, which is what our alternative is. The beauty of this bill is after four years, we do have an opportunity to collect data. I think it's going to show that the cost is not as great as some have fearfully indicated it would be, and at that point, hopefully we'll be able to expand it. But I, again, think this is a giant step in the right direction.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Halvorson.

SENATOR HALVORSON:

I agree. I'm just sorry to see that it had to be watered down

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so much that it looks like we don't have much. So I -- I believe that it is a step in the right direction. It needs to be expanded, and I believe that the insurance companies will find out that it's not going to be cost-prohibitive, like they believe it will be. So, thank you, Senator Radogno, for starting the conversation. We just have to move a lot quicker, a lot farther and include everybody.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Robert Madigan.

SENATOR R. MADIGAN:

Thank you, Madam President. I rise in support of Senate Bill 1341, compliment and commend Senator Radogno on her extensive discussions with all the parties on this. We've had this before us for the last three years, and this bill represents the work effort of an awful lot of people. And I think everybody should be supportive of Senate Bill 1341 and Senator Radogno's efforts.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I, too, stand in strong support of this. In regards to Senator Halvorson's question, unfortunately, every time we got a new amendment, it took someone out, and you have to dance with who brung you. And even though this bill is not to my -- in my estimation, does not cover enough, I agree that it's a step in the right direction and, hopefully, we'll be able to show the people of this State, and the insurance companies, who sometimes get a little paranoid, that this is not a high-cost item and that it's something that is -- is right. It's the right thing to do, and I ask for your support.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Radogno, to close.

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SENATOR RADOGNO:

Well, thank you. I -- I just reiterate those that have supported this. It definitely moves us in the right direction, will give us some solid experience to go on, and it really will be a meaningful improvement for folks that suffer from serious mental illness right now; that -- that currently their insurance policies may pay nothing or may pay only half of an office visit, whereas now they're going to have a ten-dollar copay. This is going to be a significant improvement for them. So I would urge your Aye vote on this.

PRESIDING OFFICER: (SENATOR KARPIEL)

The question is, shall Senate Bill 1341 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On this question, there are 51 voting Aye, none voting Nay, 6 voting Present. And Senate Bill 1341, having received the required constitutional majority, is declared passed. Senate Bill 1342. Senator Cronin. Senate Bill 1487. Senator Rauschenberger? (14)88. (14)89. With leave of the Body, we will skip Senate Bill 1494. The top of page 14. Senate Bill 1505. Senator Robert Madigan. Senate Bill 1508. Senate Bill 1511. Senate Bill 1512. 1519. 1520. And Senate Bill 1521. Senator Lauzen. Senator Philip, for what purpose do you rise?

SENATOR PHILIP:

Yes. Madam President, unfortunately, I was off the Floor when you went past one of my Senate bills, Senate Bill 1262. I'd ask leave to go back to that.

PRESIDING OFFICER: (SENATOR KARPIEL)

Leave is...

SENATOR PHILIP:

I think -- I think it's maybe a noncontroversial bill.

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PRESIDING OFFICER: (SENATOR KARPIEL)

Leave is granted. The middle of page 12 is Senate Bill 1262.  
Senator Philip. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1262.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Philip.

SENATOR PHILIP:

Thank you, Madam President and Ladies and Gentlemen of the Senate. Senate Bill 1262 provides the establishment of a special fund accumulated to pay for future capital projects on airports. It only -- it -- it can only do it for five years. They have to have a five-year plan. It's the same thing we do for county and municipalities right now. It -- it only -- in regards to airport authorities in the Airport Act. There are about thirty airports in the State of Illinois. They don't have to do it; just allows them to take three percent of their budget every year and hold it for repairs, et cetera. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, the question is, shall Senate Bill 1262 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On this question, there are 56 voting Aye, none voting Nay, none voting Present. And Senate Bill 1262, having received the required constitutional majority, is declared passed. Senator Mahar, for what purpose do you rise? Senator Mahar.

SENATOR MAHAR:

Doesn't work? Oh. For the purpose of an announcement, Madam President. Senate Environment and Energy Committee will be

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meeting at 3 o'clock in Room 400.

PRESIDING OFFICER: (SENATOR KARPIEL)

Supplemental Calendar No. 1 has been distributed. And on that order is Senate Joint Resolution 21. Senator Philip.

SENATOR PHILIP:

Thank you, Madam President, Ladies and Gentlemen of the ...

PRESIDING OFFICER: (SENATOR KARPIEL)

Oh! Excuse me. Read the resolution, Mr. Secretary.

SECRETARY HARRY:

Senate Joint Resolution 21, offered by Senator Philip.

There have been no amendments, Madam President.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Philip.

SENATOR PHILIP:

First of all, I'd ask leave to allow all the Senators who'd like to be a cosponsor of this resolution to join. And what it -- what it does, basically, it -- it urges the State of Illinois to strongly support and encourage Boeing Company to relocate in the Chicagoland area. We ought to encourage it. It's good for business. It'd be a lot of jobs. Let's hope they do this right thing and do it.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Jones.

SENATOR E. JONES:

Yeah. Thank you, Madam President. I join President Philip in support of this resolution to encourage Boeing to move to Illinois, maybe the metropolitan Chicago region. We have all that is necessary to aid and assist business. We have a very diversified workforce. I'm glad to see the Governor and the Mayor working on this issue, and so we in this Body should also join in, and I'm quite sure I will join in, and I'm quite sure every Member will be part of this resolution to encourage this industry to come

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to Illinois.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any further discussion? If not, Senator Philip moves the adoption of Senate Joint Resolution 21. Those in favor will say Aye. Opposed -- vote -- vote Aye. Opposed, Nay. The voting is open. ...all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, none -- no Nays, none voting Present. And the resolution is adopted. We are now going to the Order of 2nd Reading for the last time. So if any Members have a bill on 2nd Reading and they want to hear it yet this week, they will have to move the bill now. This is it. The top of page 2. We will go to Senate... All right. Senate Bill -- Senate Bill 16. Senator O'Malley. Senate Bill 70. Senate Bill 150. Senate Bill 193. Senator Dudycz. Senate Bill 441. Senator Parker. Senate Bill 453. Senate Bill 548. Senate Bill 634. Senate Bill 657. Senate Bill 664. Senate Bill 696. Senate Bill 788. Senate Bill 794. Senate Bill 799. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 799.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR KARPIEL)

3rd Reading. Senate Bill 889. Senate Bill 923. Senate Bill 942. Senate Bill 947. Senate Bill -- oh. Senate Bill 1075. Senate Bill 1111. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1111.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR KARPIEL)

Are there any Floor amendments that have been approved for



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consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR KARPIEL)

3rd Reading. Senate Bill 1137. Read the bill, Mr. Secretary.  
...have completed the Order of 2nd Reading. Senator Weaver, for  
what purpose do you rise?

SENATOR WEAVER:

On a point of personal privilege, Madam...

PRESIDING OFFICER: (SENATOR KARPIEL)

State your point.

SENATOR WEAVER:

In the balcony -- balcony right behind me, we have a group  
from Holy Cross School in Champaign. Would the Senate please  
welcome them?

PRESIDING OFFICER: (SENATOR KARPIEL)

Welcome to -- to Springfield. All right. On page 4, Senate  
Bills, Order of 3rd Reading, we are going back to the bills that  
were on recall earlier today. And the first -- first bill is  
Senate Bill 3. Senator O'Malley. Senator Demuzio, for what  
purpose do you rise?

SENATOR DEMUZIO:

On a parliamentary inquiry. Since we're going back and taking  
up the bills that were amended this morning that were on 3rd  
Reading, that were on recall, have our computers been updated?  
Are the amendments currently in -- in the computers, all those  
amendments that were adopted today? I assume they were pretty  
substantive amendments.

PRESIDING OFFICER: (SENATOR KARPIEL)

I've been informed, that, yes, we're all on. Senator Demuzio.

SENATOR DEMUZIO:

Well, is the person who informed you informed enough to make

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that decision and that judgment? I mean, is it an expert?

PRESIDING OFFICER: (SENATOR KARPIEL)

It's our Assistant Secretary of the Senate.

SENATOR DEMUZIO:

Well, I think that's appropriate. Good enough.

PRESIDING OFFICER: (SENATOR KARPIEL)

Thank you. All right. Senate Bill 24. Senator Cullerton.  
Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 24.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Madam President, Members of the Senate. This is a bill that I've worked on. We've considered it in the past. We've made some changes to it to try to accommodate people who were opposed to it. What the bill does is to provide an option for people when they get their marriage license to either submit an affidavit to the county clerk indicating that they have completed four hours on relationship skill education or they can wait sixty days after the application to obtain a marriage license. There are certain exemptions that we've put into the bill for people who either suffer a catastrophic illness, who are in a late-stage pregnancy, or both parties are over the age of fifty-five, and if both are under the age of eighteen, then the parents need to indicate in an affidavit that they know that they've taken this course. We've included in the bill a recommendation that there be a -- with regard to the fees charged for any kind of education, that there be a sliding scale so that the providers can take into account one's ability to pay and even provide pro bono education.

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And, of course, in our religious institutions, they do provide this education for their members and nonmembers, from what I understand, without charge. We've also included the fact that behavioral health professionals who are licensed can provide this service as well as any official representative of religious institution. And at the suggestion of some of the Members in the committee, we have referenced the preamble in the Marriage Dissolution Act {sic} that talks about the purpose of marriage, and we've referenced that to indicate that the purpose of this bill is to strengthen marriages. Now, in the past, there have been some legitimate questions raised, and I know that for some people, this is a -- a balancing of two issues, two conservative beliefs perhaps, that the government should not be involved in requiring this education. But when you think about it, government is already involved, in that we do require a marriage license, we do specify that you can only marry people of certain ages, you can't marry your -- certain relatives, you can't get a common law marriage, and you have to provide to the government information about any previous marriages. People have suggested that perhaps we should have some kind of incentive, rather than this waiting period, but really we felt this -- this was the least intrusive way to urge that someone get the education. It's only a sixty-day wait - most people plan their marriages more than sixty days in advance - and to provide incentives would be very costly and not easy to implement. The bill is not designed to provide business for -- for counselors or to have religions receive converts. What we have done and -- and the way this bill developed was I was contacted by, of all people, a group of divorce lawyers in Chicago at a think tank who realized, on a day-to-day basis, that there are divorces that occur that could be avoided if people would simply take a little bit of time before they get married and do what many people do now through their religions, and that is,

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receive some premarital education. It was then, it was only after I introduced the bill, that -- that people like the Catholic Conference and the Focus on the Families came forward to support the legislation 'cause they know -- this is what they -- they do in their religions and they know that this is helpful to -- towards keeping marriages together. We are not trying to dictate what this educational program should be. We have only the most minimal language in here. We are -- we specifically put in this bill that there shall be no State curriculum. The motivation for this bill is -- is for -- did not come from people who are trying to have their own agenda on what they want to teach. This came from people, as I said, who are providing the services now or divorce lawyers who think that it's very helpful. We've chosen four hours. Obviously, it's a minimum amount. Four hours is something that will help people, but most religions, from what I understand, require more hours than four before they would indicate that they would marry you in the church. I think that those are the answers that I can give to those critics. As far as why pass it, well, consider the fact that there was a program conducted in the Denver area where only twelve percent of the couples who took the training broke up after five years, as compared to thirty-six percent who had not taken it. I -- I think everybody knows instinctively that taking four hours of relationship skills would be helpful before someone gets married. The cost of divorce is very high to society. In Illinois, we have over forty thousand divorces each year. And consider the effect of divorce on children. You know, right now twenty-five percent of adults of marriageable age are children of divorce. A million children currently experience divorce each year nationally, and in Cook County alone, there's a hundred divorces filed every day, with thirty judges who handle nothing but divorce cases. I think this bill is a minimal intrusive effort to urge people to have

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this counseling. I think it can do nothing but help, and I would urge an Aye vote and be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Thomas Walsh.

SENATOR T. WALSH:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Walsh.

SENATOR T. WALSH:

Senator Cullerton, is there anything in this bill that mandates continuing education?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

Absolutely not. We talk about four hours and that's it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Myers.

SENATOR MYERS:

Would the -- thank you, Mr. President. Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Myers.

SENATOR MYERS:

Thank you. Just a procedural question: Is there something in the bill that deals with how you actually gauge the sixty-day time limit for the local county clerks?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

The application is made to the county clerk, and when you make that application, you file the affidavit saying you took the course. If you don't -- if you haven't taken the course, you file

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the application and then that starts the sixty-day period. You come back after sixty days and get your marriage license without having taken the course.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Myers.

SENATOR MYERS:

Do the county clerks -- are they in favor of this? I think the -- the bill is good. I just wondered exactly if there were procedures as to how they then -- is there an expense to the county clerk?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

Well, they didn't testify in committee, but it's -- it's the same procedure, I take it. When you go to the county clerk and you apply for a marriage license, you fill out a form. The only thing that would change is that -- if you didn't have an affidavit with you, you'd have to come back sixty days later and then they should issue the -- the license. So I don't see there'd be any cost at all to the county clerk.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Ronen.

SENATOR RONEN:

Thank you, Mr. President. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Ronen.

SENATOR RONEN:

Senator Cullerton, I notice -- and I'm going to vote for your bill 'cause I think you've put a lot of work into this, but I notice that one of the exemptions is when both parties are over the age of fifty-five. Is that correct? And I was just

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wondering, does that mean, then, if -- if a -- one party was fifty-five and another was fifty-four, they'd have to have counseling, or if one party was sixty and another was twenty? And maybe you wanted to tell us why you've made that distinction.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

Well, we have worked on this bill for a couple of years, and we've gone to committee and we've had suggestions by Members of the committee, Judiciary, that made this recommendation. We picked fifty-five. Perhaps it was arbitrary. We did indicate that obviously if someone's fifty-five and someone else is twenty-eight, there's still -- our theory is there's still a need for education. And so it was just chosen as those dates. Just like children -- people who are eighteen or younger would have to get the parental support. That's -- those are the dates that were chosen, and I think it -- it makes a reasonable argument that if you're -- if you're having a marriage and people who are over -- both over fifty-five, perhaps it's not necessary.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Ronen.

SENATOR RONEN:

Thank you, Mr. Cullerton. You're being way too serious, so I'll just say thank you for your comments. I'm going to vote for your bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Halvorson.

SENATOR HALVORSON:

Thank you, Mr. President. Question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Halvorson.

SENATOR HALVORSON:

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Senator Cullerton, what do we do about the situation when somebody goes to get their license and they haven't got the affidavit for these classes and they're getting married in two days?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

If they're not otherwise exempt, they would need to take the course and fill out the affidavit within those two days. Now, that's not an impossible task whatsoever, given the fact that virtually every religious institution provides this type of counseling and it's -- education, and it's not something that -- where we're telling people they have to jump through a lot of hoops. Just go to any one of the people specified - behavioral health professionals or any official of a -- representative of a religious institution - and obtain that -- that information. I think, as a practical matter, when you ask people to marry you, they're going to know about this requirement and so you would not have been surprised by the fact that you -- this is the -- now the law. I expect that the people who do the marriages in -- in Illinois will know about this and they'll say, "Now, don't forget, if you want to apply for a marriage and get married very quickly, you have to have this -- this educational program fulfilled."

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Halvorson.

SENATOR HALVORSON:

So, Senator Cullerton, is it the clergy that are going to be made aware of this or the county clerks? I -- I -- I -- the reason I bring this up is, I was a township clerk. We had a satellite office where we did marriage license. This is the thing that everybody waited till the absolute last minute for. They have an entire wedding planned, and then they think, "Oh, yeah, we



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need the -- the marriage license and we're getting married in two days", so they just run over to get it. I worry that now they're going to come to us -- am I going to know as a -- or somebody else, as the clerk, that they cannot do -- I mean, how are we going to let everybody know that they cannot give that person a marriage license who's getting married in two days?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

Those are very good questions. I don't expect that the clerk -- and the clerk's not given any responsibility to go out and notify people - and when someone goes to the clerk, that's when they apply for the license. But I think, as a practical matter, people are not married by the clerk; they're married by someone else - a judge or a religious person. It's when they arrange to be married, when they contact that -- they usually do that two days before -- with a -- two days' notice. So when they contact any religious person or any judge or whoever provides -- who's going to do the actual marriage, that person is going to know that either -- either you wait sixty days or you've had this -- these four hours of education. So I -- I don't think it's going to work as a hardship for anybody to be caught unawares. Even if there's two days' notice, they could go out and get -- and fulfill the requirements.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

Do you have an exception in the bill, Senator Cullerton - what

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if a girl is pregnant and needs to get married right fast?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

Yes, we've had a -- we do have a exemption for women who are pregnant. They do not have to take the course. They can -- they have to fill out the affidavit indicating that -- this is the reason for their exemption, and therefore they wouldn't have to take the education.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the -- of the Senate, I have had mixed emotions about this bill, but it might be a step in the right direction. The only thing is, I'm going to suggest to the sponsor that since this is a very innovative idea, that he put on in the Senate -- put on, in the House, an -- an effective date of 2003, because it's -- all the ministers and everyone else has to get acquainted with all the information in it. Because I don't want to see people dragged into court for not following through.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Bowles.

SENATOR BOWLES:

Senator yield for a question?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Bowles.

SENATOR BOWLES:

Senator Cullerton, does this apply to nonresidents of the State of Illinois? Because when I was county clerk, issuing a lot of marriage licenses, people from Missouri came over to be married in Illinois. Does this apply just -- if -- if they're getting

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married in Illinois, they must conform or...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

That's a good question. It -- it applies to people who apply for a marriage license in Illinois. So if they're coming from Missouri to get married in Illinois, they would have to have the sixty-day waiting period if they did not have four hours of education.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, Senator Cullerton, to close.

SENATOR CULLERTON:

Well, thank you, Mr. President, Members of the Senate. I appreciate the fact that this is a difficult bill for some people, but I -- and I know that there are people worried about some of the problems that might occur if this bill was to become law, but I would urge you to consider some of the positive effects that this bill will have. We have a very high divorce rate in Illinois and throughout the nation. We have a tremendous amount of repercussions that come from the divorce rate, especially the effect on children. If this will save any marriages or improve any marriages, it's worth voting for, in my belief. So I would please ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 24 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 42 Ayes, 5 Nays, and 8 voting Present. And Senate Bill 24, having received the required constitutional majority, is hereby declared passed. Bottom of page 4, in the Order of Senate Bills 3rd Reading, is Senate Bill 39. Senator Silverstein. Madam Secretary, read the

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bill, please.

ACTING SECRETARY HAWKER:

Senate Bill 39.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Silverstein.

SENATOR SILVERSTEIN:

Thank you, Mr. President. What this bill does, it sets forth the procedure for a revival of a judgment. Illinois does not have a procedure at this time. There was also an amendment that was put on this morning by Senator Cullerton whereupon if a judgment creditor has a lien and he attaches it to a piece of property, it must -- in order for him to execute on the lien, it must be done similar to a foreclosure proceeding. I think it's a good bill. It gives the judgment debtor and creditors a lot more rights and due process.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 39 pass. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. And Senate Bill 39, having received the required constitutional majority, is hereby declared passed. Middle of page 5, in the Order of Senate Bills 3rd Reading, is Senate Bill 114. Senator Radogno. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

Senate Bill 114.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Senator Radogno.

SENATOR RADOGNO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 14 -- 114 deals with emergency contraception for rape victims. The problem that advocates found regarding this issue is there was a lack of predictability relative to the availability of emergency contraception for rape victims. Current law does not mandate that hospitals offer this. As a result, practices vary quite widely around Illinois. Some victims know very little or nothing at all about emergency contraception. Some hospitals talk about it; some do not. Some offer it; some do not. And as a result, it's really just the luck of the draw as to what hospital a woman would end up -- at as to whether or not they had emergency contraception. Now, each year in Illinois, many women who are raped have to suffer the added trauma of either bearing a child or having an abortion that has resulted from that rape. And these pregnancies are avoidable if rape victims are given comprehensive health care, including timely access to emergency contraception. We've worked on this bill for quite a while. Last year, what we attempted to do is to actually put into legislation a protocol that would detail exactly what hospitals had to do. This became problematic for two reasons: First of all, it probably is not a good precedent to set medical protocols in legislation; but, secondly, some faith-based hospitals wanted to be sure that the protocol was consistent with their beliefs. Catholic hospitals, in particular, wanted to be sure that they had a protocol that was consistent with their beliefs and, as such, surveyed their own hospitals and have developed a protocol as a result of these discussions. The approach taken in 114 in order to deal with this issue is that we have created legislative findings that everyone seems to agree to, that it's the policy of the State of Illinois that no woman become pregnant as a result of rape and that

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emergency contraception be used to prevent this when it's appropriate. However, rather than set that protocol into statute, we have required that each hospital develop their own protocol and that it be submitted for approval to the Department of Public Health. At this point in time, there is no opposition to this bill. Planned Parenthood supports it. The Catholic Church, the Catholic hospitals, and the Medical Society are all neutral on it. I'd be happy to try to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Is there any discussion? Senator Ronen.

SENATOR RONEN:

Thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates she shall yield. Senator Ronen.

SENATOR RONEN:

Yes. I just -- first of all, I'd like to -- to say you've done an incredibly good job on this very important measure. I know you've worked very hard with many different parties to come to what is now an agreed bill, and I -- I think that's great. I just wanted to ask a few questions for the record, if I might. Rape victims now, do they receive -- when -- if they go to an emergency room, do they receive emergency contraceptives?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Radogno.

SENATOR RADOGNO:

No, not necessarily. The problem, in fact, we are faced with is not only, in -- in many instances, do they not receive it, but they also didn't receive information about the availability of emergency contraception or that there was such a thing.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Ronen.

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SENATOR RONEN:

And -- I know one of the issues that came up in -- in debate was that -- any change to the Health Care Right of Conscience Act. Does this bill change that in any way?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Radogno.

SENATOR RADOGNO:

No, it does not change the Health Care Right of Conscience. In fact, that Act supersedes all others.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Ronen.

SENATOR RONEN:

Just -- thank you for those responses and, again, I think this is a -- a bill that's very important. It helps those that are most vulnerable in a -- their most vulnerable time, and I really -- I think you've done a great job. And I would ask all my colleagues to support this bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, I, too, commend Senator Radogno and all the hard work she's done here. Unless you've handled rape and incest cases, as some of us have had to do when we were assistant State's attorneys, or represented families, let me tell you, they're the worst thing that could happen and any help we can give them is very necessary and should be done. And incidentally, the Medical Society was supposed to have been opposing it, but it's, I think, since withdrawn its objection. And I ask for a favorable vote on this bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Lisa Madigan.

SENATOR L. MADIGAN:

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Thank you, Mr. President, Ladies and Gentlemen of the Senate.  
Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates she shall yield. Senator Madigan.

SENATOR L. MADIGAN:

Senator Radogno, does emergency contraception cause an abortion?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Radogno.

SENATOR RADOGNO:

No. Emergency contraception is simply a special dose of ordinary birth control pills that must be taken within seventy-two hours of the rape. When the FDA approved emergency contraception, it found that it's safe and effective, it prevents pregnancy, does not cause abortion or interfere with an established pregnancy; however, I have to add to that that there are some religious groups who object to the use of emergency contraception in certain circumstances on moral grounds. However, in speaking -- I'm speaking here to the medical aspects of emergency contraception which -- actually, the -- the problem lies -- that -- that these religious groups I refer to define "pregnancy" differently than the medical definition. What we're talking about here, all major medical groups, including the AMA, agree that emergency contraception is not abortion and that it is an appropriate standard of care for rape victims.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Madigan.

SENATOR L. MADIGAN:

Senator Radogno, how will hospitals know what information they must provide to rape victims?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Radogno.



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SENATOR RADOGNO:

Well, they have to provide medically accurate and thorough information, and it's the Department of Public Health that will approve or disapprove the protocol that they institute.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Madigan.

SENATOR L. MADIGAN:

I would just like to echo the comments made by Senator Ronen and Senator Geo-Karis. I know that Senator Radogno has done a great deal of work and negotiation on this bill and that women who are the victim of rape go through a lot of psychological problems, and we certainly shouldn't put them through the additional problem of having to bear a child that they may not have wanted. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President. Would the sponsor yield for...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates she will yield. Senator O'Malley.

SENATOR O'MALLEY:

Senator Radogno, there is a series of questions that I'm going to ask you, and you and I have discussed them earlier. And so if everybody could bear with us, we will go through this. Senator Radogno, is it true that Senate Bill 114 does not change or alter in any way the Health Care Right of Conscience Act?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Radogno.

SENATOR RADOGNO:

Yes, that is correct. The Health Care Right of Conscience Act would continue to supersede all other statutes, including this one. Health care facilities and professionals will still be able

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to exercise a right of conscience under Senate Bill 114.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Radogno, are you aware that the Catholic hospitals have adopted and are now implementing a protocol for treating survivors of sexual assault in their emergency rooms? And in relation to Senate Bill 114, does their protocol meet the policy goals and legislative ends of Senate Bill 114?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Radogno.

SENATOR RADOGNO:

Yes, I am aware that they have created a protocol. In fact, this was done in response to the discussion of this bill last year. The Catholic Hospital Association's protocol for treatment of sexual assault survivors satisfies the intent of Senate Bill 114. Protocols like this model protocol should be deemed sufficient by the Department of Public Health.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

Therefore, Senator Radogno, in establishing "safe harbor" sample protocols to give guidance on the proper implementation of this legislation, is it the duty of the Department of Public Health to accept the Illinois Catholic Hospital Association's model protocol as it exists on this date?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Radogno.

SENATOR RADOGNO:

Yes, the Department of Public Health must adopt the Illinois Catholic Hospital Association's model protocol for the treatment of rape victims as of this date as one sample "safe harbor"

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protocol in their rules and regulations. The sample protocol is not exclusive of other protocols, but is an example of the kind of protocol that the Department should deem to be sufficient under this legislation. Nor is it the purpose or intent of the Act's safe harbor provision to prevent the continued refinement and development of model protocol in the future.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Radogno, is it correct that physicians and health care personnel who provide health care services in a hospital with a protocol deemed sufficient under Senate Bill 114, are also providing sufficient care for the purposes of this -- of this legislation?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Radogno.

SENATOR RADOGNO:

Yes, that's correct. The intention and goal of this legislation are satisfied when physicians and health care personnel carry out their duties under a hospital's protocol deemed sufficient by the Department of Public Health. It is not the intent or goal of Senate Bill 114 to force physicians and other health care personnel to choose between the expressed provisions of this legislation on the one hand, and the variable provisions of a hospital protocol on the other hand. So long as the hospital's protocol has been deemed sufficient by the Department of Public Health, those acting in furtherance of the protocol are also providing sufficient care under this Act.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

To -- to the legislation: You know, I have thought long and

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hard about this bill and, Senator Radogno, I'm -- I'm going to make a statement and -- and -- just to clarify something that was said earlier. I thought I heard you say that the Catholic Conference is supporting this legislation, and that -- that's not correct. It may be correct to say that they're, perhaps, neutral at this point in time, and they are in the hopes that, frankly, there wouldn't be anything more serious in the form of legislation than this particular legislation. I also want to compliment you, Senator, for making an effort throughout this process to be respectful of the various points of view that are related to this issue, and I -- and I sincerely mean that. At the same time, I -- I feel that there are some of us who may vote No on this legislation who are certainly not doing so because they're insensitive to what might happen to a rape victim. I would like, with the -- and I know that I'm going to -- I'm going to take a few minutes here and I apologize to the Body ahead of time, but this is an important issue. It certainly is to me and, I know, everybody in this room. And some others may want to express themselves different ways, and -- but if you could bear with me. I want to read parts of the testimony of Francis Cardinal George before the American Medical Association on June 12 of 2000, dealing with Resolution 218, and so I'm going to read part of it and -- and -- and I'll start by saying, quote, "...Resolution 218..." - this is him addressing the American Medical Association committee that was considering this resolution - quote, "...Resolution 218...seeks your support for legislation to require all hospitals receiving federal funds to provide 'a full range of reproductive services,' including 'temporary or permanent birth control.' Clearly this includes requirements for contraception, sterilization and abortion with which Catholic hospitals simply cannot comply. Effectively, the American Medical Association is being asked to help abolish Catholic health care in this country."

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... "One would have to look back to the 1920's - when the state of Oregon, where I was previously Archbishop, banned Catholic schools - to see a comparable attack on the right of religiously motivated Americans to participate in public life and serve the public good. Reversing Oregon's law required a U.S. Supreme Court decision, *Pierce versus Society of Sisters*.... I urge the American Medical Association, as strongly as I can, not to join this campaign against religious freedom." "...some of the poorest people in our nation...turn to Catholic health facilities to receive help in times of need regardless of their ability to pay." "...Why are Catholic and other 'non-secular' health systems the only providers in some communities? Is it {sic} (It is) because for-profit systems see these communities as unprofitable, as a bad risk.... If you drive the churches out of health care by making it impossible for them to operate in accord with their ethical and religious mission," you will take care of these -- "who will take care of these people?... Secularizing all healthcare institutions through state coercion is to transform this country into a totalitarian state." I'm not suggesting -- end of quote, by the way. I am not suggesting, nor I believe is the Cardinal suggesting, that that is Senator Radogno's goal or the other persons' who support this legislation. However, Senator Petka and I were having a conversation last week in which he shared with me some observations about Emperor Constantine in the Roman Empire, who had made a decision one day. His decision was that one day if you are a Christian, you are subject to whatever they consider their ultimate capital punishment. The next day, he changed, became a Christian, and it was the opposite - you had to be a Christian in order to avoid the ultimate capital punishment of the time. Being a young person, growing up in a parochial system, it was taught to me that his mother somehow miraculously changed his mind, and I think even Senator Petka probably remembered that as a

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kid and maybe accepted that. I have a different view of what happened. What happened was that Christianity, by that time, had become such an important element within Roman society that they could no longer afford to punish the very people who were doing more than anybody else to provide necessary social services within what was then the Empire. We know that we are probably the ultimate beneficiaries of Western thought, right here in America. Long before what I just described happened in the Roman Empire occurred, Rome was the ultimate republic of its time. Representative government flourishing as fully as it possibly could be. Eventually, it degenerated into what the Cardinal referred to here as a totalitarian state. But the time was different then. The need was, at that time, to make a political, expedient decision to change what was going on. No longer was it going to be wrong to be a Christian. Well, in bringing my -- remarks to closure, and what I'm trying to get through to everybody is that for those of us who feel very differently than Senator Radogno about the outcome of this legislation, I believe that what this represents is literally what he was talking about. It's an attack on -- not intentioned by this sponsor or the other well-intentioned persons who support it, but it is an attack on trusting and encouraging any religious group from fulfilling their mission here in America. And for that reason, I'll be unable to support the legislation, Senator, and I appreciate the Body's patience with my remarks. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, Senator Radogno, to close.

SENATOR RADOGNO:

Thank you. Just to clarify, again, the latest on who's where on this bill because this has changed frequently. As of the last half hour, Catholic Conference and hospitals and Illinois -- the Medical Society are all neutral - not supporting, neutral - and

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then Planned Parenthood is supporting. I really appreciate the compliments of my colleagues, but I have to pass those compliments along to everyone who was involved in developing this legislation. As you can see from the comments here, it is an extremely difficult issue for people to deal with because there's very passionate views on both sides, and all parties to this negotiation were, I think, very respectful of each other's views and trying very hard to come up with something that will work well for the people in the State of Illinois. I think the product we have here is definitely an advance in the direction of making sure that women who have been attacked and raped have good information about what their options are and that they will be in the position to execute the option that -- that they choose. I ask for your support on this. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 114 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 49 Ayes, 8 Nays, none voting Present. And Senate Bill 114, having received the required constitutional majority, is hereby declared passed. The bottom of page 5, in the Order of Senate Bills 3rd Reading, is Senate Bill 163. Senator Syverson. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

Senate Bill 163.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. Senate Bill 163 is a bill that

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would allow the Department of Public Aid to continue the State's Disbursement Unit for an additional twenty-four months while they work out agreements for making a changeover. Know of no opposition.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 163 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. And Senate Bill 163, having received the required constitutional majority, is hereby declared passed. Top of page 6, in the Order of Senate Bills 3rd Reading, is Senate Bill 213. Senator Roskam. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

Senate Bill 213.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 213 is a response to mad cow disease. The -- first of all, I want to thank -- there you go -- I want to thank all of the Members of the Senate Agriculture Committee who supported this bill unanimously. Let me give you a three-by-five card version of what the backdrop is and why this is important and why it matters. Unlike a lot of other studies as it relates to food safety, this is serious and it's imminent. Lot of times there are studies that happen in a laboratory somewhere or, you know, in a very limited context and it gets overinterpreted many, many times and what ends up happening is some food safety initiative gets way out of



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control and ultimately ends up hurting the very industries that it's supposed to help. For example, the Alar scare. Alar, they said, was going to be a terrible thing. There was a show on "60 Minutes" and spooked the entire industry, and a couple of years later, they found out that that was fundamentally flawed. What's different about this, what's different about Senate Bill 213, is that mad cow disease is happening. We don't have to look very far. We know that this is -- we have the -- the continent of Europe to -- to observe. They are in a real crisis about this -- this disease, and the crisis occurred because there was denial on the part of governmental officials, who were not good stewards, who were sleeping at the switch, and ultimately made bad decisions and said, "This isn't happening." So here's what Senate Bill 213 does: It is a narrowly crafted bill that is designed to increase the level of scrutiny that the Illinois Department of Agriculture takes on, on two portals of entry, for this disease. Number one portal of entry is the production of commercial feed. I went on an inspection last -- a few months ago with the Illinois Department of Agriculture at a commercial feed site, and I was very impressed with two things: with the caliber of the -- the Ag inspectors and with the sophistication of their inspections. And then I asked them a question, I said, "Now how often are you in doing this?" And they said, "Well, Senator, we're in every two years." And I thought to myself that makes absolutely no sense to me. What Senate Bill 213 says is the level of scrutiny goes from every two years to every ninety days. There's a sunset period for three years. This may not be necessary, and I don't want to have this go into perpetuity. But for a three-year period of time, the level of scrutiny has to go up. If there is not what's called a prohibited protein or a prohibited material that's on-site, all a prospective inspectee has to do is file an affidavit with the Department of Ag and they're not subject to this inspection. And,

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Mr. President, I'd be happy to yield to any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 213 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. And Senate Bill 213, having received the required constitutional majority, is hereby declared passed. Senate Bill 333. Senator Thomas Walsh. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

Senate Bill 333.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

Thank you, Mr. President. Senate Bill 333 provides that independent insurance agents and their clients shall have ownership and the exclusive use of expirations, records and other written or electronic information related to property and casualty insurance policies.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill -- Senator Robert Madigan.

SENATOR R. MADIGAN:

Thank you, Mr. President. I have three questions to establish legislative intent.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Madigan.

SENATOR R. MADIGAN:

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Senator Walsh, if a company, as opposed to the agent, develops the expiration, who would own those expirations?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

As always, Senator Madigan, that was a good question. The -- the registered firm or company that creates, compiles or develops the expiration owns them.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Madigan.

SENATOR R. MADIGAN:

Senator Walsh, some of the information in the expirations, such as date of birth, address, can be developed from multiple sources. Does this prohibit companies from using that information developed independent of the agent or registered firm?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

No, it doesn't -- it does not if it comes from an independent source, such as a membership list.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Madigan.

SENATOR R. MADIGAN:

Okay, Senator, let's see if you can answer this one.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Madigan. Any further questions?

SENATOR R. MADIGAN:

...anything in this bill prohibit or restrict a consumer from using his or her own expirations, from shopping for new or different insurance coverage or changing agents?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

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SENATOR T. WALSH:

Nothing.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, the question is, shall Senate Bill 333 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, 1 voting Present. And Senate Bill 333, having received the required constitutional majority, is hereby declared passed. Senate Bill 356. Senator Karpiel. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 356.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. This bill creates a new subsection in the siting portion of the EPA Act. It says that a permit for the construction or development of a waste disposal facility issued under the siting provisions of the EPA Act shall expire at the end of ten calendar years after the date which it was issued if two things are present: The waste disposal facility was exempt from obtaining local siting approval under the EPA Act at the time the construction permit was issued by the IEPA - that would have been prior to us passing the -- the Act; and the waste disposal facility has not lawfully received waste pursuant to an operating permit issued by the IEPA within that ten-year period. Under those two conditions, the -- the permit would expire at the end of ten calendar years.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Is there any discussion? Senator Patrick Welch.

SENATOR WELCH:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates that he {sic} (she) will yield. Senator Welch.

SENATOR WELCH:

Senator Karpiel, during the committee, we had reached the oral agreement that you would agree to work towards amending this in the House to expand it to keep landfills from being placed near to rivers or over aquifers. Is that your recollection?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpiel.

SENATOR KARPIEL:

Yes, Senator.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Sullivan.

SENATOR SULLIVAN:

Thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates she will yield. Senator Sullivan.

SENATOR SULLIVAN:

Senator, if this bill passes, in areas to the east of you, where I represent, what will they do with their garbage now and in the future and will this not end up increasing garbage costs for people who particularly live in -- in my area, the northwest suburbs?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpiel.

SENATOR KARPIEL:

First of all, this won't prohibit them from going forward with a -- with a plan to build a -- a balefill. This would only say

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they'd have to get their siting permit again since it's been so long since they received it. And they would continue taking their garbage to the same places they are now, I would assume.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Sullivan.

SENATOR SULLIVAN:

When you argue that you -- you are not in favor of this balefill in that location in Bartlett and if that bale -- if this legislation ended up putting so many hurdles that that balefill did not come into an existence, that -- I'm back to my original question, the garbage rates in my area would increase.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpiel.

SENATOR KARPIEL:

Well, Senator, I don't know if the garbage rates would increase. I don't know that there's an absolute nexus between this bill and that happening. But let me just say that, first -- first of all, there are other more appropriate places to put a landfill than over an aquifer that -- that is the drinking water for a whole -- practically a whole county, the whole area of the Fox Valley area. And that's why Senator Welch is -- wants to amend the bill to put that more in place. And, secondly, I think there is probably a good indication that we might come to some resolution about that particular balefill otherwise, and they still will be looking for a new site.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, Senator Karpiel, to close. The question is, shall Senate Bill 356 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, 2 Nays, none voting Present. And Senate Bill 356, having received

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the required constitutional majority, is hereby declared passed. Turn your attention to the middle of page 7, in the Order of Senate Bills 3rd Reading is Senate Bill 608. Senator Syverson. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

Senate Bill 608.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. On Senate Bill 608, really the role of -- of nursing homes is to provide a safe haven for individuals that currently can't be served in the areas of community-based or hospital care. And due to the rising costs of -- of nursing home care, this legislation is trying to address this. With home care and assisted living becoming more commonplace, nursing homes are becoming a place where individuals are -- are sicker or more acute than historically have been. With that in mind and the fact that we have not seen rates rise since 1992, we have created a situation where there are intense financial problems that are facing nursing homes. This legislation is a -- an attempt to try to address the problems of nursing home costs by raising the rates that have been frozen since the '92 cost reports. This is something that many of you, I know, stand in support of and I know in a difficult budget time that it's -- it's tough to address but this is an issue that we believe is a priority of protecting the most vulnerable in our population - the seniors. Be happy to answer any questions; otherwise, I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Welch. Patrick Welch.

SENATOR WELCH:

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I had a question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Welch.

SENATOR WELCH:

Senator Syverson, is this in the budget, or is this an -- an add-on that'll be put through the appropriation process?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Syverson.

SENATOR SYVERSON:

This is not in the budget and is something that will have to be worked into the -- the budget as a -- as a priority. I think we believe on this side, as do many of you, that this is a priority that would have to be looked at and we're going to also have to make some adjustments in the budget to make this work.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

When Governor Ryan gave his Budget Address, he talked about reducing the budget of the Department of Public Aid, I think by two hundred and seventy million dollars. I don't think those cuts have been made yet and now we're -- we're going to add another eighty million dollars. So the Governor would be looking at cuts of three hundred and fifty million dollars now? Is that your understanding?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Syverson.

SENATOR SYVERSON:

Well, half of those savings will be taken from your Member initiatives this year, so we only really need to find the other half. Yes, this is something that's -- the budgeteers and the leaders are going to have to sit down and work through. Clearly, there is a -- there is a -- a hole in the Medicaid budget that's



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being addressed, but I think this is a priority that most leaders, and certainly advocates, feel should be addressed. But, again, this is something that is going to have to be discussed as the budget process moves forward.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

Did your colleague, the Chairman of the Appropriations Committee, agree to this, and he is going to work to find the eighty million dollars for this bill?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Syverson.

SENATOR SYVERSON:

I've not discussed that with my colleague yet, but I'm sure -- if I can defer over to him, I'm sure he'd be willing to comment on this.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator -- Senator Welch.

SENATOR WELCH:

Can Senator Rauschenberger speak to that? Has he agreed to this eighty-million-dollar project and is he going to -- does he have any idea of where we're going to get the money to pay for it?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Well, I appreciate being added to the debate. It's not often I get to stand in support of one of Syverson's bills. I think the Appropriation Committee -- Senator Trotter and I see ourselves as a service committee. What this Chamber agrees to in the way of policy, we'll figure out how to put into the budget. In order to accommodate eighty-one million dollars in -- or, eighty-two million dollars in new liability, we'll have to find forty-one

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million dollars in readjustments in the general revenue side of the budget, or we'll have to make some trimming -- would have to do some pruning in the budget of the -- the Medicaid budget itself. I think that's achievable when you're talking about the base we have. The real question is whether it's a priority here to make sure there's enough rates. When you look -- revenue growth this year is a little over nine hundred million dollars. The Governor's allocation of new appropriation authority is about seven hundred and sixty-nine million dollars. His choices for what he believes needs to be accommodated is seven sixty-nine. It takes roughly -- about a five-percent adjustment of his priorities if we want to make this work. I would just tell this Body that as Senator Trotter and I always try to do, the decisions made here, we'll do our best to implement for you in a responsible way in the budget.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

Well, I was just curious because the Governor has said out of the nine hundred million dollars that we're going to get in, he's spending four hundred and sixty on education. That doesn't leave a lot, and if we have to cut three hundred and fifty million dollars somewhere out of the budget to take care of his two-hundred-and-seventy-million-dollar reduction, plus this eighty-million-dollar reduction, it seems to me there's going to be some big cuts on the way by the end of next month. So I just wanted to make sure that everybody was on board for this thing.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any further discussion? If not, Senator Syverson, to close.

SENATOR SYVERSON:

This is a very difficult issue, as we obviously have to

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address a lot of budgetary concerns. But when we look at the -- the number of bankruptcies, the number of closures that we're seeing in nursing homes around the State, areas that are losing their representation and forcing seniors to go out of the areas where they -- where they used to live to find adequate and quality nursing home coverage, this is a serious problem that hasn't been addressed for a number of years, and I believe it's something that is going to have to be a priority. It will be worked out, I'm sure, ultimately, in the budget, but I think it's something that we cannot put off for another year and would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 608 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. And Senate Bill 608, having received the required constitutional majority, is hereby declared passed. Senate Bill 629. Senator Bomke. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

Senate Bill 629.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bomke.

SENATOR BOMKE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Before I talk to the bill, I want to explain what instigated the legislation. There's been a chronic problem in Sangamon County with adults soliciting minors to get either animals, such as dogs, to train fighting dogs or to -- to find fighting dogs for these

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adults to use for fighting purposes. The bill addresses another problem, and that is minors who have been cruel to animals. And as late as three weeks ago, two minors allegedly found a puppy. One of the minors of thirteen owned -- allegedly owned a pit bull and encouraged the pit bull to attack the puppy. The police were called. When the police arrived, the puppy had been mauled to the degree, the police had to shoot the puppy to put it out of its misery. Last summer, two minors found a kitten and nailed it to a wall. The bill addresses these issues by providing that animals, equipment or vehicles used in violation of the Act may be seized. Provides a veterinarian shall report the treatment of animals possibly used in fighting events. Includes minors with the provision of the Act. Makes conspiring or soliciting a minor to violate the Act a Class A misdemeanor. Provides that when any veterinarian in good faith complies with the reporting requirements of the subsection pertaining to the animals used for a fighting event, he or she has immunity from any liability - civil, criminal or otherwise - that may result from his or her action. Provides also that for the purpose of any civil or criminal proceedings, the good faith of the veterinarian shall be rebuttably presumed. Amends the -- the Juvenile Court Act of 1987. Provides that minors who violate the Human {sic} Care of Animals Act may be punished under the Act, except that the detention is ordered. It also provides that -- mandatory counseling for minors. I know of no opposition and certainly would be happy to answer any questions if there are any. If not, I would ask for a favorable vote. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any -- any discussion? If not, the question is, shall Senate Bill 629 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take

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the record. On that question, there are 56 Ayes, no Nays, none voting Present. And Senate Bill 629, having received the required constitutional majority, is hereby declared passed. Senate Bill 663. Senator Dillard. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

Senate Bill 663.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill does couple of things with respect to elections. We put on earlier today, on 2nd Reading and Recalls, a bill of Senator Silverstein's on behalf of Cook County Clerk David Orr which puts in this bill the method of selecting yes or -- or, saying yes or no for retention of judges in Cook County, and it eliminates the butterfly ballot types of questions that were called into last November's issue on the presidential recall in Florida. As you recall, they have the same ballot, the butterfly ballot, for retention of judges in Cook County that were in controversy in Florida. So we put Cook County Clerk David Orr's language in here. And then the bill does simply one other thing. The bill prohibits in voting precinct systems, that's punch card or optical scanning, from using a voting defect identification capability to detect undervoted ballots or ballots that lack a judge's initials. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Silverstein.

SENATOR SILVERSTEIN:

Thank you, Mr. President. First of all, I want to thank Senator Dillard for tacking on my bill to -- amendment to your

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bill; however, I wish you would have chosen a better bill. And for the record, I support my amendment. I can't support the bill. This bill will disenfranchise voters, plain and simple. And given what happened in November, I think this is a very bad idea. So, thanks, but maybe next time.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Obama.

SENATOR OBAMA:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. Will the sponsor yield for a few questions?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Obama.

SENATOR OBAMA:

Senator Dillard, as you're aware, this issue of overvotes and undervotes has been a significant controversy since the last presidential election. Can you please tell me what the intention is of the sponsor in not allowing machinery that could potentially inform voters that they've made a mistake on their ballot from using that technology?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

First, Senator Obama, this does not address overvotes. So if somebody has a system that wants to kick out and alert a voter that they have overvoted, that's okay. But with respect to undervotes, some of the scenarios we went through in committee, some people deliberately do not want to vote for a particular candidate. For example, take me: I'm the State Senator. In last Tuesday's election, there was a candidate I didn't want to vote for. So now, under the law in Cook County as it stands today because of an overzealous judge, they will announce to the world, when I return my ballot, "Hey, Senator, you forgot to vote for

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alderman", or "Senator, you forgot to vote for your village president", and it goes to the sanctity of the ballot. I believe there are legitimate reasons. Senator O'Malley today told me somebody called him yesterday upset that they had a ballot kick back where there was an undervote. Sometimes you just don't want to vote for anybody. You want to select none of the above. And an undervote is something very different than an overvote, and oftentimes voters don't want to vote for somebody. But when the machine automatically kicks it out, you're clearly letting the sanctity of the ballot go to heck, in the fact that somebody, may only be one person but in most cases polling places are crowded, and a lot of people are going to know and perhaps election judges are going to talk that I didn't want to vote for a particular candidate. You're from Chicago. Suppose you don't want to vote for your alderman and the judge screams out, with seventy-five people standing in your polling place, "Senator Obama, you didn't vote for the alderman." Maybe you didn't want to vote for the alderman. It goes to ballot sanctity, and undervotes are very different than rejecting overvotes. And that's my philosophy.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Obama.

SENATOR OBAMA:

Well, I think all of us are concerned with issues of privacy. Let me suggest that what this legislation could have done to deal with this problem of privacy is to insert a line in all races stating "none of the above". And that is, in fact, a practice that's been used in other states. I think it's important to point out that in the last Cook County election, you had thousands of persons who apparently failed to cast a vote at the top of the ticket. Although we don't know for certain - we haven't polled these individuals - I think that it's fair to say that the number of persons who had hoped to vote but, in fact, did not have their

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vote counted far exceeded those persons who had made a decision not to cast a vote at all. If we're concerned with privacy, I think there's some technical mechanisms whereby we could solve this. I think it's important for everybody to understand that what we're doing here is essentially consigning those persons who make an error. For example -- for example, a senior citizen who has trouble because of an arthritic condition being able to punch the ballot accurately, that essentially, for failure to be able to punch that ballot, she is not going to be able to vote, despite the fact that she's dragged herself to the ballot box to cast her vote. Voting is not supposed to be an intelligence test. There shouldn't be any trickery involved. When we have machinery in place that facilitates you catching errors before you leave the ballot box, then I think that we should be able to deploy that kind of machinery. I respect the concern that you have with respect to privacy. As I note before, there are other ways of solving it. I think this is a bad bill. In some ways it's a moot point because at the moment, at least, we have a court ruling that has indicated that, in fact, the very machinery that you're trying to ban is to be implemented. But I would urge all of those persons who think that, in fact, voting is a right and not simply a privilege or an intelligence test, that all of you reject this legislation. I urge a No vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Halvorson.

SENATOR HALVORSON:

Thank you, Mr. President. I agree with a lot of what Senator Dillard is trying to do here, and in committee, I do respect the -- the wishes of privacy; however, I believe that the underlying bill is disenfranchising some voters. It was brought to my attention that when you vote and you put your card in the machine and it says you've not voted, the person that tells you that



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doesn't know which office you have not voted for. It stays in the machine. And if you say, "Fine, I didn't want to vote", they just push a button and it goes on in. Just a few statistics. In Cook County, there were a hundred and twenty-five precincts that were examined with the largest voter falloff. The falloff in these precincts ranged from a high of 36.73 percent to a low of thirteen percent - far above the average, the national average of seven percent. So there were a total of forty-seven thousand five hundred and twenty-three ballots that were examined with eight thousand two hundred and eighteen of them which -- recorded no vote for president. I think what's most significant about this finding is that in the examination of the one hundred and twenty-five troubled precincts, there were four thousand three hundred and twenty-two people who attempted to vote for president. They actually tried to vote for president, but failed. That's nine percent of just one hundred and twenty-five precincts. I really believe that when people take the time and they go to the polls and -- and they vote and they want to be a part of the process, we should not find another reason to disenfranchise them.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator O'Malley.

SENATOR O'MALLEY:

Mr. President, would -- would the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator O'Malley.

SENATOR O'MALLEY:

Senator, it's my understanding that what this legislation essentially does is say that if a citizen decides that they do not want to vote in a particular election that is on their ballot, they may do so without having that ballot rejected by these machines. Is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Senator Dillard.

SENATOR DILLARD:

You are correct, sir.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

I want to -- you know, you mentioned earlier on about a communication I had with a constituent. I just received this earlier today, but I -- I have a note from a Dan Kuska, from the district that I serve, and it says, and I'd like everybody to listen to this because I think this note, very short, succinct, makes Senator Dillard's argument very well. "Today, when voting, I had a most unpleasant experience. As often is the case, I choose not to vote in all the races. This resulted in my ballot being rejected by the new machine checking for voter errors. Upon the return of my ballot by the machine, the sleeve covering my ballot was removed, leaving my ballot and my votes exposed for public view. The election official announced that I did not vote in all the races, in a voice loud enough for all to hear. What has become of the right to cast a secret ballot? I feel this new system violates my rights and should be ended." What Mr. Kuska doesn't know, of course, is that, at least right now, this court decision that mandates that this equipment be used in Cook County for the time being, to the best of my knowledge, applies only to the municipal elections that we just experienced. And I'm going to certainly get back and let him know that that is the case and that this decision is -- this -- this mandate is the result of a court decision and not something that was done in Springfield. I also want to let him know about Senator Dillard's legislation so that he can write in support of it. I would recommend to you, Ladies and Gentlemen, that that is -- is the plain understanding of a citizen from Palos Heights, Illinois, who knows only too well why

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the system, as it exists under this voting system, is not working correctly and that Senator Dillard's initiative is the right way to go and we need to support it. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. You know, one way to avoid a lot of the problems with judges telling people you didn't bother to vote for somebody is to reinstitute the straight ticket punch. That way we got to vote for everybody and you didn't miss anybody once you punched a straight ticket. That would seem to me to be one of the major ways to clean this up. And I see people on the other side of the aisle are agreeing with me. Secondly, it seems to me that the clerks -- the judges should be instructed by the clerks to just say, "Hey, you didn't vote every race. Do you want to look at the ballot?" and point out to them. This announcing out "You didn't vote for alderman", is -- is absurd. I think we need to -- to give the judges another line of instruction as to what they're supposed to do, as to what their responsibility is. It's not that big a deal, and I'm not sure the judges want to yell out, "Hey, you didn't -- hey, Senator, you didn't vote for your alderman." I mean, they probably won't be a judge the next time around either, Senator Dillard. That'd be my impression. But it seems to me that this could be cleaned up pretty easily. I think that the idea of undervoting -- the -- the problem with telling people they undervoted is outweighed by giving the rest of the people who accidentally undervoted their constitutional right to vote. That seems to me to be the bigger injustice here, not calling out somebody's name.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Viverito.

SENATOR VIVERITO:

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Would the sponsor yield, please?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Viverito.

SENATOR VIVERITO:

Senator, I have the -- certainly have the utmost respect for your ability, but I must say, I had the experience of working the election for the townships, city and the villages and certainly I was exposed to some people that didn't vote. I think if your amendment said that if you didn't vote and they told you that you didn't vote for all the candidates. I never heard them say you didn't vote for the alderman or you didn't vote for the trustee or you didn't vote for the supervisor. So I -- would you consider putting an amendment on there where, in fact, somebody is told that they didn't vote for all the candidates? I've never heard them announce it, at least in our polling places, that they forgot to vote for an alderman or a trustee or township supervisor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Senator Viverito, I think the reason that you haven't ever heard that announcement is because it's never been rejected automatically for undervoting until this last election cycle. So, it's been illegal to reject the undervotes up until last Tuesday.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Viverito.

SENATOR VIVERITO:

But the point that I'm trying to make is that in our polling place, the exact wording by the judge was that "You didn't vote for all the candidates", and the woman says, "I know." And then that was good enough, and she just ran it through the machine. She didn't say you didn't vote for the alderman or the township supervisor. And the other difficulty too, for the record, not

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having the straight vote is an extremely difficult case with a lot of the elderly that can't punch every vote. I ended up the biggest vote in my life, and unfortunately, my trustees didn't get as much as I did, simply because a lot of the elderly knew me and they couldn't do the punch for all those others that they wanted to. Just for the record, Kirk.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Thank you. And Senator Viverito has some excellent points. In fact, we had a bill yesterday, Senator Karpiel had a bill, Louie, that would have allowed straight ticket voting in township races, and I don't know how you voted but hopefully you voted with Doris. You know, your judges are perhaps better than judges in some other parts of the -- the State. I mean, I was just kidding about a particular Democratic judge. Yes, we have Democratic judges in DuPage County that, you know, really has what I call "loose lips" as an election judge. And while your judges may be doing it the proper way, I do worry that, in some cases, some judge is going to scream out something inappropriate that would violate the sanctity of the voter.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Viverito.

SENATOR VIVERITO:

Senator, I appreciate that, but I would have to say that this was new to all of the judges. This was the very first time that they were exposed, was this time. And obviously with the proper training, whether it be in DuPage or Cook County, I certainly think the law could be very specific in making certain that all of the judges are trained properly. And the bill should probably -- your bill should guarantee that.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Senator Dillard.

SENATOR DILLARD:

As you always say from the Chair, we'll take that under advisement.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Molaro.

SENATOR MOLARO:

Thank you. Will the sponsor yield for a question, Mr. President?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Molaro.

SENATOR MOLARO:

I - I don't understand this. We still have punch card voting in Cook County and a lot of parts of the State. That has not been eliminated. I don't know whoever came up with that system, but that seems to be -- you know, that's worse than the -- the old machines. So if anybody who voted -- anybody who ever voted the punch cards I voted last time - with the judges, you -- you have part of Cook County, I assume - we have those judges and you go through it, it -- I had to actually play with that card to get it straight so I knew where I was voting. So here's the question I have: When you put it in this new machine that they used yesterday -- or, Tuesday, I should say, for the first time, it says in there that there is a undervote - okay? - is there any window, like you have in a computer or anything else, that says, right then and there, what particular candidate or -- or particular race for office that you missed?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Really, Senator Molaro, it depends upon how the vendor puts the machine together.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro.

SENATOR MOLARO:

Well, let's -- let's talk about this vendor. Do you know of any vendors now that we're using in the State of Illinois or a machine that we have right now? Because the machines I saw, you put it in and it says in there - it doesn't spit it out - it says that there is a -- there is an undercount. I don't know of any machines anywhere in the State that's ever been used that stand there and there's a computer printout or anything that says, "Oh, by the way, you forgot to punch a race that's 122, 123 or 124", which, I guess, would make your analogy a little disingenuous in the sense that the only privacy issue would be that, hey, you didn't vote -- it's an undervote. There's no way that they could say, "Hey, you didn't vote for alderman", or "You didn't vote for this judicial vacancy", or "You didn't vote for county clerk". I don't think there's anywhere in the State -- now, if you're going to say, "Well, I guess you can make one", it would be very simple to put in the bill not to make those and your privacy issue goes away.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

You know, I suppose we -- we could do some things, but clearly, even though it might not tell you what office there is, I just remember former Democratic Chairman/Alderman Ed Vrydolyak had a very good Punch 10 campaign once. And if I didn't want to punch the 10 hole as a Democrat, good election judges, everybody knows that punch 10 hole, and it's very easy to identify. My guess is that the majority of Democratic election judges in Chicago are going to know what number on a punch card system Mayor Richard Daley is. And I just think that it's a -- it -- you are really

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violating the sanctity of a voter, and it may be the Republican hole in DuPage County, the Democratic hole in Cook County, or Mayor Daley's particular hole. I mean, good precinct people can read cards upside down and they know where those holes are, and they know that perhaps I didn't want to vote for my alderman or Mayor Daley or somebody like that. And I just think that not counting undervotes protects the sanctity of the ballot.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro.

SENATOR MOLARO:

All right. One -- one -- well, one last question and then a comment. Was Vrydolyak the chairman of the Democratic Party or Republican Party at the time? All right. Well, that being said, again, I just have to reiterate this: I can't understand what you're talking about only because every machine that I saw, it goes in and it says there's an undercount. The judge can't tell you, even if they wanted to, what you undercounted. It's in the machine. You're making it sound like the judge could say, "Hey, you forgot to vote for Mayor Daley", "You forgot to vote..." They can't do that. So I -- I don't understand what you're talking about when you keep saying that they -- a good Democratic judge -- I know my judges better be able to do that if they had the opportunity, but in this system, there's no opportunity to say what particular race you missed. All they could say, it's an undercount. So when you keep using that analogy, I just don't understand it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Thomas Walsh.

SENATOR T. WALSH:

Thank you, Mr. President. Well, sometimes, it seems to me and I might be wrong - I don't live in the City of Chicago - but the only race that's on the ballot is the race for alderman. Now, I



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may have been pressured to go out and take a ballot by my precinct captain, and I want to make sure that they know that I went to vote, but I don't want to vote for anybody. So they pass the card on in that thing, and it comes out and it says you didn't vote. Well, they're going to know that I didn't vote for anyone in that case. And -- and I think that -- you know, I -- the bill that Senator Dillard has here is a terrific bill. The more people that are involved with ballots, I think the -- the more opportunity that we're going to have some kind of -- some kind of fraud. I think we're going to be driving people -- driving people away from the polls. I think it's -- it's a bad idea to have anybody more involved with it, and I think that Senator Dillard has a great bill and I'd encourage everybody to vote Yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Shaw.

SENATOR SHAW:

Thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Shaw.

SENATOR SHAW:

Senator Dillard, are you familiar -- are you familiar with the -- with the ballot when they are putting it -- after you have voted -- when you go into the voting booth, after you have voted, you put that ballot in a sleeve. Is that correct? You...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard. How many questions you going to ask at once, Senator? Senator Dillard.

SENATOR DILLARD:

I believe that once -- if there's an undervote, it gets kicked back out and it's not in the sleeve.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shaw.

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SENATOR SHAW:

The -- at the time, the judge have this sleeve in her hand. Is this correct? After it kicked back out.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard. Are you done? Senator Dillard.

SENATOR DILLARD:

I'm not sure, Mr. President, I understood the question.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Me neither. Senator Shaw.

SENATOR SHAW:

Does the judge that insert the ballot through the counting machine, don't she still have the sleeve -- he -- she -- he or she, have the sleeve in her hand or in his hand when that ballot come back?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

I don't know, but for the sake of argument, I'll take his word for it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Shaw.

SENATOR SHAW:

I didn't hear the answer. What was that?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

The answer, Senator Shaw, is I don't know, but for the sake of argument, I'll take whatever you think is the case to be it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shaw.

SENATOR SHAW:

Senator Dillard, I just ran in the election, and I was out

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looking at the very thing that you are talking about here. And when you -- when you go into the -- into the voting booth to vote, you take the -- the card out of the sleeve, you vote, you insert it back in the sleeve, you take that sleeve along with the ballot and pass it on to the judge. And the judge then insert it out of that sleeve through the machine. If the machine kick the ballot -- kick your ballot back, she still catch it -- catches it with the sleeve. If they try it again -- they usually will try it a second time. They try it again, and you say you are -- and they ask you if you are satisfied with the way you voted, and you say yes, there's a trip machine behind -- there's a tripper behind the machine that will allow that ballot to go through. I don't know whether you know that or not, but this is not the way for that -- are you familiar with the tripper that would allow the ballot to go through if the judge inform you -- if the judge informed you that you had undervoted or overvoted?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

I'm vaguely familiar with the tripper, but again, as Senator Walsh pointed out a minute ago - Tom Walsh - you know, you've got a judge in a precinct handling your card. And as I pointed out, a good operative is going to know upside down and sideways what the key hole numbers are and they're going to be able to ruin the sanctity of your ballot.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shaw.

SENATOR SHAW:

...the -- to the -- the bill: There's no way -- I don't think we have Superlady or Superman looking through the -- with x-ray vision, looking through these ballots. That is absolutely not true. Now, I don't know what the intent of this bill is, but I

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think it's a bad concept. Those of us who just went through these election know that's not the case. And certainly it would be left up to the county clerk in their instructions in the schooling that they take is to point out, don't be screaming out. But those judges -- there's no way that -- with the quickness -- with the quickness of that machine, that no judge or anybody's going to be able to look at that ballot and tell you what number is on that ballot. If they do, I want to take 'em to the boat with me. I ask a No vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Wendell Jones.

SENATOR W. JONES:

Like to -- I'd like to call the previous question, please.

PRESIDING OFFICER: (SENATOR DUDYCZ)

There's one remaining speaker, Senator Jones. Further discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I'm probably the longest-serving precinct committeeman in this Body - well over forty years. I was there for paper ballots. I've been there for the punch IBM cards. And for the first time -- because in our county we tested these optical scanners. I happen to have one in my precinct. So it was kind of interesting. You know, I had seen them demonstrated but I didn't actually ever vote in one, and we never had one in my precinct. And this is the way we do it in DuPage, and I know we do it differently than you do it: When you -- when you walk in, they hand you a sleeve and a ballot in the sleeve. That's the only time the judge touches the ballot. You take it, you vote. You go over to the machine and you take it out of the sleeve and you put it in the machine. He or she does not touch that ballot. You, the voter, put it in. Cook County, the judge puts it in for you. There is a little

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difference there. Isn't that interesting? Okay? Then, if you undervote, it goes right in and votes. If you overvote, it spits it out. That's the difference. Now, I -- I -- I will say this to you: That the judges of election should not touch that ballot period. You know, you've got the right to undervote. Who says you have to vote for everybody on the ticket? Baloney! I know there's some people who are in my party once in a while I don't like to vote for, and I just pass 'em up, quite frankly. And so do you on the other side of the aisle. The other thing is that -- different in Cook County - you'll like this - they count all the ballots in each and every precinct. We in DuPage County have central locations so Republicans and Democrats can watch the counting of ballots. The only think we count in the precinct is the total amount of ballots cast vote -- towards the ballots versus the people who voted, so you know if a hundred people came in, a hundred people voted. But we don't tally them individually for each office. Now, why do they count 'em in each precinct in Cook County? I'll let you jump to your own conclusions, but it's wrong. We ought to let everybody watch the counting of it. We ought to do it centrally. And once in a while -- and this is a good bill. You ought to vote for it and do something right and ruin your records.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard, to close.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Knowing that this bill was coming up today, I tentatively watched a number of you sit in your seats and not vote on certain things that were before the Chamber today. There were a couple of "heaters" today, and some of my colleagues were in their seats and there's a big "NV" next to their roll call that I obtained from the Secretary of the Senate. Now, I didn't stand up and scream out

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your names that you didn't vote 'cause maybe you didn't want an interest group or somebody to think that you weren't in the Chamber. We all have the right to protect ourselves and to do what we want. We do it here every day on the Floor of the State Senate. And if I don't vote, Senator Weaver says, "Are you going to vote on this?" and sometimes, maybe perhaps once or twice in my career, I don't want to press my light for a particular reason. Senator O'Malley's constituent summed it up the best, I think. There are better voting systems that are coming. So for those of you from Cook County -- and I clearly, Senator Viverito, appreciate and sympathize with the senior citizen who might have an arthritic condition, but optical scanning and touch screen voting and other methods are coming. There are better systems coming and hopefully the federal government will give us some relief to be able to fund, perhaps, easier and better voting types of systems. Republican Leader in the Illinois House, Lee Daniels, has an optical scanning type of grant system that's going to be before us. And finally, you know, punch cards -- maybe it is a little bit harder to detect certain things with respect to punch cards, but now we're having optical scanning, at least out where I live. And on an optical scan ballot, the name is huge on the ballot. I mean, you can read it from several feet away, even without 20/20 vision. And again, the undervoting is really going just to the protection of the sanctity of the ballot and, again, there are corrections on the butterfly balloting in Cook County on here, sought by Cook County Clerk David Orr. And I'd appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 663 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 36 Ayes,

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16 Nays and 5 voting Present. And Senate Bill 663, having received the required constitutional majority, is hereby declared passed. Senate Bill 694. Senator Karpiel. Mr. Secretary, read the bill, please.

SECRETARY HARRY:

Senate Bill 694.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpiel.

SENATOR KARPIEL:

Thank -- thank you, Mr. President. Senate Bill 694 authorized the Illinois Commerce Commission to certify alternative gas suppliers who are serving residential customers. It restricts the entry of -- of -- of providers into the industry unless they get this certification. They have to fill out an application and if they can show that they are qualified and financially sound, they can provide service. It also implements certain obligations of alternative gas suppliers, such as protections of service in the winter months, service standards, safety standards, accident reports, that type of thing. It places -- it prohibits discrimination in pricing on the basis of race, gender or -- or income, and it authorizes the Commission to impose fines for violations. This is the initiative of Illinois Commerce Commission.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 694 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. And Senate Bill 694, having received the required constitutional

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majority, is hereby declared passed. Senate Bill 717. Senator Cronin. Madam -- Mr. Secretary, read the bill, please.

SECRETARY HARRY:

Senate Bill 717.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. This amends the Workers' Comp Act. It makes some changes regarding payments by employers into the Second Injury Fund, or -- also the Rate Adjustment Fund. We -- the only issue that we ran into was the -- the self-insured employers didn't want to abide by the new accounting system, so they've been excluded from the bill. I know of no opposition. I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 717 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. And Senate Bill 717, having received the required constitutional majority, is hereby declared passed. Senate Bill 721. Senator Cullerton, do you wish this bill returned to 2nd Reading for purposes of an amendment? Senator Cullerton seeks leave of the Body to return Senate Bill 721 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 721. Mr. Secretary, are there any Floor amendments approved for consideration?



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SECRETARY HARRY:

Amendment No. 2, offered by Senators Hawkinson and Cullerton.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Senator Cullerton and I, at direction of the parties, have held some meetings and negotiations on -- allowable charges for the copying of medical records. We believe this amendment represents an agreement among the -- among the parties, and we would ask for the adoption of the amendment.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, all those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. Earlier, leave was sought to return to the Order of Senate Bill 750. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 750.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Radogno.

SENATOR RADOGNO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I'd like to start my remarks by making a point of personal privilege and pointing out that we have several members of the Muslim community who are observing the proceedings this afternoon. They're interested in this bill in particular, which was brought at the behest of the Muslim community. And they are above the

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President's -- in the President's Gallery.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guests in the gallery please rise and be recognized?  
Welcome to Springfield. Senator Radogno.

SENATOR RADOGNO:

Thank you. I would like to acknowledge a few people who were very helpful in bringing this legislation to the point at which it is today. I'd like to recognize Dr. Sabri Samairah, who is the President of the United Muslim (American) Association, UMMA, which means one -- one community in Arabic; Dr. Muhammad Chaudry, President of the Islamic Food and Nutrition Council of America; Mr. Amin Dada, Board of Directors, Islamic Society of Greater Springfield; Mr. Abdul Aziz Belfellah, Religious Leader, the Islamic Society of Greater Springfield. And I'd also like to mention Nia Hassan from -- Senator Jones' staff. Our staff is always very good, but it's not always that we have assistance from the opposite side of partisan staff. Before I discuss Senate Bill 70 {sic}, I'd like to tell you a few things about the Muslim religion. The religion of Islam means peace. Islam is the fastest-growing religion in the United States. That's according to federal government sources. The World Almanac states that there are about 5.8 million Muslims in the United States. The top five states with high concentrations of Muslims include California, New York, Illinois, New Jersey and Indiana. American Muslims are not one race or ethnic group. They are not of one color and they do not all speak the same language. Muslims are black, white, yellow and brown. Islam is a way of life and stresses a spirit of equality and family between Muslims. Briefly, Muslims believe in -- in one God, God's angels, God's books, including the Torah, Bible, Psalms, the Holy Quran and the -- the last of God's books. They believe in God's messengers and prophets, and they also believe in a final Day of Judgment and predestination. With that

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brief background, I'd like to proceed to the bill. Senate Bill 750 creates the Halal Food Act. You might ask: What is halal food? I did when I was asked to sponsor this bill. Halal means permitted or allowed by God. In my own thinking, it was helpful for me to think of this as similar to kosher food in the Jewish religion, and we do have a law that governs kosher food, as well. Halal food is defined in the bill as prepared under strict compliance with the laws and customs of the Islamic religion. It amends the Consumer Fraud and Deceptive Business Practices Act. Senate Bill 750 makes it a Class B misdemeanor for any person to do any of the following: falsely represent any food to be halal that is not; remove or destroy the original means of identification which indicates that food is halal, unless the food is non-halal; resell any food in which the identification has been fraudulently attached; label or identify a food commodity in a package form to be halal, unless he or she is the manufacturer of that food; to label or identify a food commodity not in a package to be halal, unless that person is the manufacturer of -- of halal; to misrepresent that any animal was grown as -- in a halal way; falsely label any food commodity; sell from the same place of business both unpackaged non-halal food and unpackaged halal food, unless a sign is posted in the window at the entrance of the establishment which states "Halal and Non-Halal Food Served Here"; sell any food commodity as halal which does not have the original means of identification that indicates the source of the food; display for sale in the same -- display for sale, in the same show window in a place of business, both unpackaged halal food and unpackaged non-halal food, unless displayed over the halal and non-halal signs -- is a sign that reads "halal meat" and "non-halal meat" and so on. Generally, it's any deception with respect to halal food. This bill further requires that any dealer who sells any food represented to be halal disclose the basis upon

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which that representation is made by posting the information required by the Director, in this case the Director of Agriculture. The bill also requires the Director of Agriculture to adopt rules to carry out this Section in accordance with the Illinois Administrative Procedure Act. I'd be happy to try to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Obama.

SENATOR OBAMA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I stand in strong support of this bill. I'm going to be very brief. I am complimenting Senator Radogno again and again today for all her wise legislation, and I think this is an example of that. As all of us know from the last census data, we're living in an increasingly diverse and multicultural society. I think the Muslim community in Illinois is a wonderful community that's rapidly growing. They're making extraordinary contributions to our State, to our cities and our suburbs. And I think that this kind of bill that shows sensitivity and shows that Illinois, as a State, is inclusive and is accommodating all religious faiths and beliefs and respecting their concerns, I think is a -- a terrific piece of legislation. So I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I, too, support this bill. I have the Ahmadiyya Muslim Temple in my district and the leader -- the world leader came to Zion some years ago, who's a great person - lives in London. And I'm delighted to be part of the group here supporting Senator Radogno, and she has done an outstanding job researching all this wonderful information. And I certainly respect it, and I respect the rights

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of the people who are involved with Ahmadiyya Muslim and all the Muslim faith. And I'm for the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, Senator Radogno, to close.

SENATOR RADOGNO:

Well, thank you. I certainly urge an Aye vote on this, both because it's -- it's a good bill, but also I think it is symbolic of our acceptance and welcoming of a growing community in our State.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 750 pass. All those in favor will vote Aye. Opposed will vote No. The voting is open. Have all voted who wish? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. And Senate Bill 750, having received the required constitutional majority, is hereby declared passed. Senate Bill 754. Senator Sieben. Senate Bill 832. Senator Rauschenberger. Mr. Secretary, read the bill, please.

SECRETARY HARRY:

Senate Bill 832.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 832, as amended, is an administration bill. Some may recall some of the controversies and the frustrations over leasing concessions at our two wonderful State Fairs and the frustration local people were have -- having in being required to do competitive bidding. This allows the Department of Agriculture to

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enter into long-term relationships with their vendors and concessionaires. If the -- if the term of the lease is one to five years, they can enter into of their own. If it's longer than five years, they have to have the blessing of the Governor. The Governor has to approve the lease. At the suggestion of Members of the Agriculture Committee, we added a -- a requirement that a Governor could not sign off on a long-term lease either ninety days before or ninety days after an election. I don't know that this bill is particularly controversial, but I'd be very happy to try to answer questions, if people have any.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 832 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. And Senate Bill 832, having received the required constitutional majority, is hereby declared passed. Senate Bill 847. Mr. Secretary, read the bill, please.

SECRETARY HARRY:

Senate Bill 847.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

This bill is the ongoing work between the ICC and the large telecommunication and electric utilities, and -- and we expect further work in the House and we'll probably see an amendment back. I appreciate favorable support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Obama.

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SENATOR OBAMA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate.  
Will the sponsor yield for some questions?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Obama.

SENATOR OBAMA:

Senator Rauschenberger, I know that you said that you're still going to be working on this bill, but I've got some concerns that have been raised to me. As I understand it, this would essentially impose a fee for filing a complaint with the ICC? Do I have that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

If you -- if you desire to file a formal action with the Commerce Commission, this is permissive and would allow by rule for the Commerce Commission to establish a set of fees, as well as those they wouldn't charge fees to.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Obama.

SENATOR OBAMA:

I -- I recognize that it's permissive, but I think it's fair to assume that once this legislation passes, the ICC is going to be coming before JCAR wanting to institute fees. And so I guess what I wonder would be, at a time when there's -- tremendous controversy swirling around how the ICC regulates various utilities, where we've got situations and controversies with respect to natural gas prices, where we've got controversies surrounding telecommunications and telephone service, why would we want to make it more costly for consumers to potentially file actions with the ICC?

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

That -- that's a good question. Over the last five years that I've been, you know, involved with the ICC, we have added substantially to the duties and the responsibilities of the Illinois Commerce Commission and, with our normal conservative bent, have added zero new general revenue or access to other funds. The proponents, for the most part, of giving additional fee income, besides the ICC themselves, are the large regulated companies that want the ICC to be able to have sufficient staff and sufficient resources.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Obama.

SENATOR OBAMA:

Well, it doesn't surprise me that the regulated industries might support this bill because the fees are not coming from them. As I -- if I'm not mistaken. Now -- now, maybe I'm wrong. You're shaking your head, so maybe I should let you respond before I move on to my next question. Is that correct, that the fees wouldn't apply necessarily to them alone, right?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

The expectation of the way that it's described in the negotiations and in discussions with the ICC, that the overwhelming majority of the fees will come either from the regulated utilities, as they transition into -- into competitive companies, as well as all of the new competitive providers of electric, natural gas and telecommunications services. So, we expect 99.9 percent of all of this fee revenue to be -- to come from the -- the providers of the service. As a point of fact, just in case you're curious, the -- ninety-nine percent of



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consumer complaints are not dealt with as formal complaint filings, so they would not be subject to fees. And the -- the ongoing negotiations talk about specific waivers of fees for the City of Chicago, the Attorney General, Citizens Utility Board, and other, you know, normal interveners in the formalized part of the process. I'm glad you're raising these concerns, and we really are trying to address 'em.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Obama.

SENATOR OBAMA:

Well, let me just say this: The -- part of what prompted my questions was I know that the City of Chicago and some other municipalities are still opposed to this bill. They're concerned, I guess, in terms of the potential fees that they might pay. I had a more narrow concern with respect to the average consumer. What you're telling me is, is that for the most part, the average consumer would not be pursuing the sorts of complaints that would extract fees from them. On the other hand, I am still concerned about the issues with respect to the municipalities. I recognize you're still trying to work on this, but at this point, at least, I -- I would urge, probably, that a Present or No vote would be more appropriate.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Welch. Patrick Welch.

SENATOR WELCH:

...you, Mr. President. You know, I'm sitting on this telecom subcommittee and one of the most amazing things to me, sitting on the subcommittee, is that whenever we have somebody from the Illinois Commerce Commission, a staff person, testify, they've only worked there two or three years, and the reason is they don't get much of a salary so they get a better job, they're hired away by the industry. So every time you're trying to find out some

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information about a rate hearing, for instance, that Ameritech was involved in, in 1996, you don't have anybody who was there at the time. It's all something they -- they heard after the -- after the event. The idea here was to raise some money for the Illinois Commerce Commission because we fund them through a public utility fund, a PUF fund. Fees are currently charged on your utility bills. The idea behind this bill -- and as I remember it in committee, and voted for it, it was cities, counties are exempt; consumer groups, such as CUB, Citizen Action are exempt; consumers themselves are exempt. It's a fee charged to the large industries that are regulated. They're the ones that we need the expertise to control. They're the ones who pay for the people to control them. That, to me, makes preeminent sense. And I'd like to ask Senator Rauschenberger if that isn't correct. Aren't the fees paid by the large companies, not by individuals? If -- if one of us were to file an objection or some document with the Commission, we wouldn't have to pay a fee. That was my understanding of your explanation in committee. Now, is that true?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

You're absolutely right, Senator Welch, and I appreciate you standing up and pointing that out. There -- there -- the -- the statute says, in part, no filing fees shall be charged under this to any municipality, county, or statutory consumer protection agency as -- as that term is defined in sections of the statute, no fees for -- yeah, you're absolutely right. The -- the goal is to have the larger companies that participate in the telecommunications, natural gas distribution and electric industries participate by paying for their own regulatory review.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

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SENATOR WELCH:

I'm -- I'm not sure why the City of Chicago's opposed too, because they are exempt from paying the fees. I would urge an Aye vote on this.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, Senator Rauschenberger, to close.

SENATOR RAUSCHENBERGER:

The City of Chicago, I think, was opposed to the earlier draft. I'm not sure they saw all the language. When they testified in committee, they said as long as we dealt with the question of making sure consumers didn't have a fee and that we weren't charging fees for cities, that they would be neutral or in support of the bill. I just don't -- I'm not sure Senator Obama had the information from the latest draft. I'd appreciate favorable support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 847 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wished? Have all voted who wish? Take the record. On that question, there are 42 Ayes, 11 Nays and 3 voting Present. And Senate Bill 847, having received the required constitutional majority, is hereby declared passed. Senate Bill 930. Senator Parker. Mr. Secretary, read the bill, please.

SECRETARY HARRY:

Senate Bill 930.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Parker.

SENATOR PARKER:

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Thank you, Mr. President, Ladies and Gentlemen of the Senate. What Senate Bill 930 does is prohibit a judge from issuing a judicial driving permit and the Secretary of State from issuing a restricted driving permit to an employee of a mass transit agency which would allow the employee to operate a public transit vehicle. This was an issue that was a concern for the CTA, and we have made accommodations for the unions. It also provides that the employee be given the hundred and eighty calendar days from the date the employee is notified of the suspension, revocation, cancellation or disqualification to obtain full reinstatement of his privileges. I would be glad to ask -- answer any questions and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President. I rise in support of this bill. The Senator -- the sponsor was certainly gracious enough to give these sides a couple of days to come up with something. What this does, of course, is just as Senator said. When someone's license is suspended for a implied consent violation, they shouldn't be driving a bus. The question was, can they then be fired? And we put on an amendment that says if the suspension which, at best, for first-timers is a hundred and eighty days, that the person who's suspended would have the hundred and eighty days to come back and produce the valid license. So, therefore, they wouldn't be fired. As this travels over to the House, we hope that this version stays intact and that the president of the CTA in committee stated that these people will not be fired and he will work something out. So hopefully the union and the president of the CTA could get together, see what they're going to do with these people who they're not going to fire, and they could do it as they bargain together. Leave the legislation alone and it

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could pass and it's good public policy. So I thank the Senator.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Shaw.

SENATOR SHAW:

Thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates she will yield. Senator Shaw.

SENATOR SHAW:

Where is the -- what side does the union come down on? Are they supporting this - 241 and 308 - are they supportive of this language?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator -- Senator Parker.

SENATOR PARKER:

I suppose I'd characterize it that they are neutral. They were a little bit concerned because after a hundred and eighty days, what occurs then? And our concern has been, how do we write into legislation that actually, yes, you can have a job, continuing at the CTA. That's something that really should go into negotiations. But we have a six-month period here. The normal period now that the CTA gives is only sixty days. So we have, in essence, tripled that, put that into legislation, and six months of a violation beyond that is a pretty serious violation. So that's something that certainly can be worked out with the unions and CTA.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shaw.

SENATOR SHAW:

Well, thank you, Senator Parker, but it's my understanding that the unions are not for this. And certainly they are at the negotiating table trying to work it out. But I don't see why we should rush to judgment by getting this bill out of here. I think

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we should let the collective bargaining take place with the union and the CTA. Now, is it a fact that all of the other transit -- no other transit system is in this but Chicago? Is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Parker.

SENATOR PARKER:

That -- that is not correct. It actually is for the other transit agencies in the State.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Shaw.

SENATOR SHAW:

Does this -- the Metro transit system, are they in this bill, or included in that amendment?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Parker.

SENATOR PARKER:

Actually, Senator, the bill covers the transit for the State, but the amendment is only for the CTA. I didn't -- I did not understand your question.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shaw.

SENATOR SHAW:

To the -- to the amendment: If this amendment is good for Chicago, Chicago Transit Authority, it should be good for the rest of the State. We're talking about the same thing. I don't see why we would have one system for Chicago Transit Authority and a -- and a different system for the Metro East system or the other -- Peoria system. I -- this just does not make good sense to me. And as long as they are negotiating this, why don't you allow the negotiations to take place before we put into legislation mandating the Chicago Transit Authority alone to do something, when you don't apply that to the rest of the State? I think this

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is unfair and I think it's unwarranted at this time. I think that we should let the system work itself out. It's my understanding that the president of 241 and 308 is meeting with the CTA, the officials there, trying to work this out. But we want to mandate something here before they get to the bargaining table -- before they get up from the bargaining table. I think that's unfair. I think it's unfair just to leave the other systems out and just segregate the Chicago Transit Authority alone in this legislation. I think it's unfair, and I ask for a No vote on it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Shadid.

SENATOR SHADID:

Yeah. Thank you, Mr. President. I want to make a comment that we just didn't rush to judgment on this bill. In the last meeting that we had, the union representative was there - someone representing the union; I don't know if it was the president or not - and also someone representing management. And they both agreed that they would sit down and try to work this out in a collective bargaining agreement. So we give them this extra three months, so it's now six months. They'll have plenty of time to work it out. I urge a Yes vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, Senator Parker, to close.

SENATOR PARKER:

I would just say the reason why we're doing this is because some of the bus drivers were found out to have inappropriate licenses, they were not licensed and they had had DUIs. There aren't many - maybe forty-six in the last twenty-five years or so. But the point is that the CTA wants to make certain that all of their drivers are safe drivers, and it certainly is good for the -- for the public. The whole bill applies to the State. The only thing that applies with the hundred and eighty-eight {sic} days,

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which really gives them extra leverage, is the City of Chicago, the CTA. If we want to expand that to the others, certainly they can work that over in the House. I would ask to move this forward so people can continue to talk.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 930 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 55 Ayes, 1 Nay, 1 voting Present. And Senate Bill 930, having received the required constitutional majority, is hereby declared passed. Senate Bill 933. Senator Petka. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

Senate Bill 933.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Petka.

SENATOR PETKA:

Thank you very much, Mr. President, Members of the Senate. Senate Bill 933 and Floor Amendment No. 1, which was adopted this morning, which became the bill, extends the corporate practice of medicine to hospital affiliates. It is an agreed product between the Illinois State Medical Society and the Illinois Hospital and HealthSystems Association. Probably for that reason, it had no presentation, no discussion nor opposition in the Public Health Committee. However, I would just like to briefly explain the bill, Mr. President, and that is that this legislation would establish the parameters for hospitals and hospital affiliates to employ physicians and would establish certain minimal requirements for hospitals and hospital affiliates, including employing physicians



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-- the physicians who are employed are required to be members of a medical staff, require a periodic independent peer review, hospitals and hospital affiliates must sign written statements not to unreasonably interfere with physicians' professional judgment. Additionally, a confidential peer review process must be established to review an employed physician's care and treatment. Additionally to that, employed physicians have a right to review by an independent reviewer. Employed physicians may seek injunctive or other relief in a court of law, and this bill does not affect any disciplinary action by the State or review of services for reimbursement. With that, I'm done explaining the bill. I'll answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 933 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. And Senate Bill 933, having received the required constitutional majority, is hereby declared passed. Senate Bill 941. Senator Robert Madigan. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

Senate Bill 941.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Robert Madigan.

SENATOR R. MADIGAN:

Thank you, Mr. President, Members of the Senate. Senate Bill 941, as amended, comes to us from the Department of Insurance and makes two changes in the Illinois Insurance Guaranty Fund. Provides that the Fund is not liable for interest on judgments

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entered against an insured or insolvent company and increases from one percent to two percent of net direct written premium the maximum that may be assessed upon a member company. I know of no opposition to Senate Bill 941 and would ask for its approval.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 941 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. And Senate Bill -- Senate Bill 941, having received the required constitutional majority, is hereby declared passed. Senate Bill 943. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

Senate Bill 943.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Robert Madigan.

SENATOR R. MADIGAN:

Thank you, Mr. President. Senate Bill 943, as amended, updates a statute that was sponsored by Senator John Cullerton back in 1981. It updates the statute regarding anti-theft devices for automobiles to reflect that many of those anti-theft devices now are factory installed rather than aftermarket. I know of no opposition to Senate Bill 943, as amended, and would ask for its approval.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 943 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record.

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On that question, there are 57 Ayes, no Nays, none voting Present. And Senate Bill 943, having received the required constitutional majority, is hereby declared passed. Senate Bill 1047. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

Senate Bill 1047.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. The Attorney General has a Charitable Advisory Council that will be scheduled to end, and he has asked that it be extended. So what this bill does is just says that this Charitable Advisory Council, which is made up of citizens, dealing with issues like charitable giving, volunteerism and fund-raising in the State, they have asked that this become a permanent body and the members will serve at the pleasure of the Attorney General or for such terms as the Attorney General may designate. That's all the bill does. Be happy to answer any questions and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, all the -- the question is, shall Senate Bill 1047 pass. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. And Senate Bill 1047, having received the required constitutional majority, is hereby declared passed. Senate Bill 1180. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1180.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Thomas Walsh.

SENATOR T. WALSH:

...you, Mr. President. Senate Bill 1180 allows construction of a school facility to begin on a site where a Phase II environmental audit finds the presence or likely presence of a release of a regulated substance if a remedial action for the site is approved by the EPA, if the Pollution Control Board requires one. Adds that no person should allow occupancy of a building intended to be used for a school for which a remedial action plan is required until all work pursuant to the plan is completed. This is supported by the State Board of Education and the IEPA.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 1180 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. And Senate Bill 1180, having received the required constitutional majority, is hereby declared passed. On top of page 14, in the Order of Senate Bills 3rd Reading, is Senate Bill 1497. Senator Thomas Walsh, do you wish this bill returned to 2nd Reading for purposes of an amendment? Senator Walsh seeks leave of the Body to return Senate Bill 1497 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1497. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 4, offered by Senator Thomas Walsh.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Senator Thomas Walsh.

SENATOR T. WALSH:

Floor Amendment No. 4 to Senate Bill 1497 is a technical amendment that...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, all those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. Senate Bill 1504. Senator Syverson. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

Senate Bill 1504.

(Secretary read title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. 1504 is really the results of negotiating that've been going on with the Department of Human Services, Department of Public Health, employer groups, provider groups, the unions. This is a -- a work in progress that really started last year and I think addresses a lot of the concerns that have been raised from -- from all sides, with our major concern of trying to both protect the rights of those individuals that are -- that are in developmental facilities, as well as protecting workers. I know that there's going to be some continued work as the bill moves forward, but ask for a favorable roll call or be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Is there any discussion? Senator Ronen.

SENATOR RONEN:

Thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Ronen.

SENATOR RONEN:

I appreciate what you're trying to accomplish in this bill, and I'm going to -- and I know there are negotiations going on between AFSCME and the -- the Department and -- and other bodies, and I would just hope that you will be willing to use all your influence to make sure that we do continue to work to try to make sure that the process establishes due process rights for employees. Nobody wants employees that are -- have been doing things inappropriately, but on the other hand, we don't want to be inappropriate about -- about labeling employees before they've really had a chance to have appropriate due process rights. So I just would ask you again if there is -- that is your understanding of this bill, as it moves.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Syverson.

SENATOR SYVERSON:

Yes, there's obviously ongoing -- there'll be ongoing negotiations. This legislation really, though, has come a long ways in putting in a -- a number of safeguards already for the -- for the employees. We think it's important that we have a -- a registry here to protect -- protect the most vulnerable of our population.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Ronen.

SENATOR RONEN:

Thank you for your support there. I would just say to my colleagues that I'm -- I think a Present vote would be

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appropriate. Our concern is that employees may be put on a registry as being abusers before the process really had a chance to establish whether that, in fact, were the case and whether their due process rights were honored. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Obama.

SENATOR OBAMA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I just want to amplify some of the points that were raised by Senator Ronen. This is a difficult issue. I think Senator Syverson has done a yeoman's work in terms of trying to arrive at a compromise. I think it's important to recognize that compromise language has not yet been arrived at. What we have essentially is a situation where we're trying to balance, on the one hand, our desire to protect those persons who are in a vulnerable position from potential abusers. On the other hand, we also want to make sure that persons who are employed in these situations are not falsely -- accused and potentially are in a situation where they're on a registry, accessible to anybody in the town that they may live in, and are effectively barred from employment in this area for the foreseeable future. We still have some work to do on the due process issue. In particular, I know that, number one, we don't have the same standards for abuse and neglect in the statute that would trigger the -- entry into the registry right now - the same standards that are currently utilized for -- by the Department of Public Health in defining what is abuse and neglect. So there's still some tweaking that needs to be done in terms of definitions. The second thing that remains a problem is that in the previous bill Senator Syverson had, there was an issue in terms of making sure that there was -- that the grievance procedures that were already in place, in terms of collective bargaining, would have been exhausted prior to actual entry into

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the registry. As I understand it, the way the bill is currently drafted, what we have is a situation where after Department of Public Health has made a substantiation or a finding, the entry goes forward prior to the grievance procedures having even been initiated, much less exhausted. Those are both issues that I think we can eventually -- arrive at a resolution on, but I would urge, at this point, that we enter a Present vote, at least those Members on this side of the aisle, to ensure that both parties continue to negotiate in good faith and that we can get the best possible bill out and signed by the Governor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, Senator Syverson, to close.

SENATOR SYVERSON:

Thank you. Let me just make this clear. Currently, we have a -- a list. When an individual has been working in a nursing home and he is or she is -- is fired because of a -- of -- of abuse of a -- of a patient, that individual can now leave there and -- and go and work at a DD facility, or an individual can resign and go and work at a DD facility. We think there should be one uniform registry that's going to protect these vulnerable individuals, whether they're in a nursing home or in a DD facility. There is some clarification that'll need to be done as this moves forward. But, clearly, this is an important bill, and it certainly is a consumer protection bill. And I would urge a -- an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 1504 pass. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 32 Ayes, no Nays, and 18 voting Present. And Senate Bill 1504, having received the required constitutional majority, is hereby declared passed. Senator Geo-Karis, what purpose do you rise?



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SENATOR GEO-KARIS:

A matter of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I am honored today by the visit of four of my young people, homeschoolers, Beth Troup, Andy Troup, Julia Walker, Douglas Walker and their mother, Cathy Troup, from Lindenhurst and from Grayslake. And they're sitting up there in the President's Gallery, and if they'll rise, we want to welcome you all. We're delighted to have you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guests in the gallery please rise and be recognized? Welcome to Springfield. Middle of page 14, in the Order of Senate Bills 3rd Reading, is Senate Bill 1521. Senator Lauzen. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

Senate Bill 1521.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

Thank you very much, Mr. President. Members of the Senate, with Senate Bill 1521, we have an opportunity to address the potential teacher shortage. It creates the Illinois Future Teachers Corps Scholarship Fund, through the sale of special education license plates. The design and color of these plates will be determined by a contest that every elementary school pupil will be eligible to enter. The designs submitted for the contest will be judged on September 30th of 2002. The proceeds from the

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sale of these plates will flow through ISAC, Illinois Student Assistance Commission. So there's no new bureaucracy to be administered. The Future Teachers Corps Scholarship Fund is patterned after the Illinois veteran scholarship where a person serves in the Armed Forces for one or two years and gets four years of college paid for. And under this teacher scholarship, it's four years of school for four years of teaching. Scholarship is open to all prospective teachers from any high school in Illinois, and all accredited colleges in Illinois are included. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 1521 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. And Senate Bill 1521, having received the required constitutional majority, is hereby declared passed. Turn your attention to the middle of -- to the bottom of page 7, to Senate Bills 3rd Reading. Senate Bill 721. Senator Cullerton. Madam Secretary, read the bill, please. Senator Cullerton, we'll return to your bill shortly. While we're waiting for Senator Cullerton's bill to be -- arrive to the Floor, let's go to the top of page 14. This is the Order of Senate Bills 3rd Reading. Senate Bill 1497. Senator Thomas Walsh. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

Senate Bill 1497.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

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Thank you, Mr. President. Senate Bill 1497 codifies the Illinois Supreme Court decision, William Petrovich versus Share Health Plans of Illinois, which says that a health maintenance organization is liable for damages for harm to an enrollee proximately caused by the failure to exercise ordinary care in health care treatment decisions made by its employees, actual agents, or ostensible agents. When we passed the HMO reform bill a couple of years ago, there were a lot of people that wanted to have the right to -- to sue an HMO within that bill. At that time, we argued that we were going to wait for this decision to come back. The Illinois Supreme Court has now acted on this decision, and what we want to do here is to keep our commitment and that is to codify what the Illinois Supreme Court said in their Petrovich decision. And I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Dillard.

SENATOR DILLARD:

Senator Walsh, is it the legislative intent here to exclude employers that are not self-insured but contract with an HMO?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

Repeat the question, please.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

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Is it the legislative intent to exclude employers that are not self self-insured but contract with an HMO?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

The HMO would not be excluded.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Just a couple of points here. As was indicated in debate, this is -- supposedly takes care of the Supreme Court decision in Petrovich versus Share Health Plan of Illinois, but, actually, the fact of the matter is that it only takes care of half of it. Is that correct, Senator?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

That -- that's not the way we feel.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jacobs.

SENATOR JACOBS:

Well, according to our information and I think it was discussed a little bit yesterday that the Petrovich court held that an HMO could be held vicariously liable for malpractice if the HMO exercised such sufficient control over a participating physician that it negated the physician's status as an independent contractor, and the implied authority doctrine allows a patient to sue an HMO. An exclusion of the right to hold the HMO liable under the implied doctrine ignores half of the -- of the Supreme Court's holding in Petrovich. Is that basically correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Senator Walsh.

SENATOR T. WALSH:

Well, Senator Jacobs, what you're saying is true, and that is, that's -- that's what were covering in this bill, is the ability for -- for a -- a patient to sue their HMO for something that a doctor may have done to them, a doctor that was contracted by the HMO.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jacobs.

SENATOR JACOBS:

And again, as you know, I voted for this in committee and I plan on -- on voting for it here. But for some of our Members that may want to know a little more information about it, we do -- under the plan, as we -- we understand it, we -- we recognize apparent authority but not implied authority. Is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

Yeah. That -- that's covered in our bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jacobs.

SENATOR JACOBS:

Now, this is one that many of you are going to have to make your own determination on. I happened to have voted in favor of this. I'm going to vote for it here, but I did want to bring it to the attention of this side of the aisle. I -- I think that the Trial Lawyers are still in opposition to this, and just wanted to -- to make that known.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator O'Malley.

SENATOR O'MALLEY:

Thank you. Would the sponsor yield?

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Sponsor indicates he will yield. Senator O'Malley.

SENATOR O'MALLEY:

Senator Walsh, in your legislation, under the definition of "health care treatment decision", are utilization review determinations considered coverage decisions under all circumstances?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

No.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

Under the definition of "appropriate and medically necessary", am I correct that it is your intent to follow national standards, the same as we required in the Medical Patients Rights Act?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

Senator O'Malley, that's what Amendment No. 4 did.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

Is it your intent, by this legislation, to codify the Petrovich decision as it is binding law in Illinois?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

Yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Geo-Karis.

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SENATOR GEO-KARIS:

Do you yield for a question?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

My understanding then, under your bill, if -- an HMO can be sued if it's not taking care of the individual. Is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

Yes, Senator Geo-Karis. That -- that is what we want to do.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

You heard the Senator from the other side say that the Petrovich decision was not embodied in your bill. Now, I'd like to know what part is not embodied in your bill from the Petrovich decision.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

It's our feeling that -- that there isn't any part of it that isn't within the bill. What we are trying to do and what we are doing with this bill is codifying the Petrovich decision.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

So if there's any discrepancy in case of a lawsuit, let's say your bill passes and is signed into law, are you saying that the Petrovich decision will still control? The -- the Supreme Court case of the Petrovich decision will still control?

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Senator Walsh.

SENATOR T. WALSH:

Well -- well, the law will, which -- which we're hoping to pass, will control, and that's based on the Petrovich decision.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

You're telling me it's based on the Petrovich decision, but I have to know whether or not your bill embodies the Petrovich decision in full. That's the important thing. If it does, I will support the bill, and from what you said earlier, it does. Is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

Yes, it is.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Cullerton.

SENATOR CULLERTON:

Senator Walsh, I need some help here because this was very confusing in the Insurance Committee, and maybe you can explain to us how we're supposed to vote. Now, the -- the first point is that there was testimony in committee against your bill by the HMOs, former Senator Schaffer. Is that correct? He came in and testified against the bill. And maybe you could answer that question. Isn't that true, and what did he say he was opposed to it for?

PRESIDING OFFICER: (SENATOR DUDYCZ)



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Senator Walsh.

SENATOR T. WALSH:

Well, it appeared to me that he talked on both sides of the issue, so I couldn't tell you exactly what he said that he was opposed to. But it is true that he did come in and testify against it. But the HMOs also came and testified against the HMO reform bill several years ago, and it seemed that he was saying this goes against just exactly what we were trying to do in the HMO reform bill a couple of years ago and seemed to praise the bill that he opposed later. So I imagine that they will be praising this bill somewhere down the road also.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

Well, it's interesting that you said "speaking on both sides of the bill", because, in fact, some of our own Members were confused and some people voted No, then they changed their mind and voted Yes. So that's why I give evidence to the fact there was some confusion. What's the position of the Trial Lawyers on this particular bill, as far what you know? And I'll tell you what -- what I think their position is. They didn't testify in committee, but I think that they think that you have not codified Petrovich here; you've actually limited Petrovich and altered it a little bit so that they think perhaps an even more liberal interpretation of what ought to be will come down in future decisions, and that we would therefore be limiting it through this bill. So it seems to me that you've got both the Trial Lawyers and the HMOs against this bill. So, I'm just wondering why -- what arguments do you have that we should vote for it, other than the fact that both of 'em are against it?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

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SENATOR T. WALSH:

Well, first of all, I -- I want to make clear that you certainly were consistent on your vote, Senator Cullerton. You voted Yes twice, and I -- I appreciate your vote in helping get the bill out of -- out of committee. What we have here is that -- first of all, the Trial Lawyers are opposed to the bill. There is a similar bill that passed over from the House that the Trial Lawyers were also opposed to. And I think that you stated it just the way it is, that they feel that -- that both bills don't go far enough.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, Senator Walsh, to close.

SENATOR T. WALSH:

I would just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 1497 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 39 Ayes, 1 Nay, and 15 voting Present. And Senate Bill 1497, having received the required constitutional majority, is hereby declared passed. If you -- Members turn your attention to the bottom of page 7, the Order of Senate Bills 3rd Reading, is Senate Bill 721. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

Senate Bill 721.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This bill,

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which was amended today, reflects a compromise, the issue being how much money patients and clients of professionals can be charged to get their own records back. And as a result of our negotiations with Senator O'Malley and Senator Hawkinson and myself, we were able to get the Trial Lawyers, the Medical Society, the Hospital Association and the representatives of the companies that do copy records to agree to this procedure, which applies not only, as I said, to hospital records, but also attorneys' records. And it basically sets up a sliding scale of copying charges and an initial fee that you have to pay, a handling charge of twenty dollars. And as I said, everybody has agreed to it. And, be happy to answer any questions and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 721 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. And Senate Bill 721, having received the required constitutional majority, is hereby declared passed. Senator Karpiel, what purpose do you rise?

SENATOR KARPIEL:

I rise to announce a Republican Caucus tomorrow morning at 8:30 in Senator Philip's Office.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Mahar, what purpose do you rise?

SENATOR MAHAR:

For the purpose of an announcement. Remind the Members of the Environment and Energy Committee that we're meeting immediately upon adjournment. We have two amendments and should get out quickly.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any further business? Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives have passed bills of the following titles, the passage of which I am instructed to ask the concurrence of the Senate, to wit:

House Bills 300, 546, 625, 1695, 1741, 1915, 1956, 2377, 2419, 2432, 3008, 3011, 3157, 3212, 3241, 3292, 280, 632, 953, 2276, 2437, 2438, 2548, 2566, 2807, 3037 and 3576.

All passed the House, April 5th, 2001.

A Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask concurrence of the Senate, to wit:

House Joint Resolution 27.

Adopted by the House, April 5th, 2001.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Resolutions.

SECRETARY HARRY:

Senate Resolution -- or, Senate Joint Resolution 23, offered by Senator Emil Jones.

And Senate Resolution 106, offered by Senators Rauschenberger, Karpiel and others.

They're both substantive.

Senate Resolution 107, by Senator Donahue.

It's a death resolution, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Consent Calendar. Senator -- Senator Demuzio, what purpose do you rise?

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SENATOR DEMUZIO:

Well, I know we're all trying to get out of here tomorrow at a reasonable hour, and I know you have a caucus in the morning. It's my understanding, and has not yet been filed, a letter that would extend both of the education bills, the EFAB bill and -- and -- as well as 72, until a week from tomorrow. Is that correct? If you -- if you intend to call them, then we intend to go to caucus, too. So we're trying to save some time here. Any idea what we're doing?

PRESIDING OFFICER: (SENATOR DUDYCZ)

The Chair doesn't have that information, Senator Demuzio. Do you wish to call -- ask for a Republican -- a Democratic Caucus? One second, Senator Demuzio. Is there any further business to come before the Senate? If not, Senator Geo-Karis moves the Senate stand adjourned till the hour of 9 a.m., Friday, April 6th, 2001.